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File Name A-PM-1-1-1 EPC Meeting April 1990

Senders Initials JY

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
April 16-17, 1990

Meeting convenes at 10:30 a.m., April 16, 1990 in the fourth floor conference room and reconvenes on April 17, 8:30 a.m.

Karlton Fullenworth + Jim Gustafson	1:30 p.m.
Appointments: Don Erwin	1:45 p.m.
Clear Lake Sanitary District (A.G. Referral)	2:00 p.m.
Public Participation	2:30 p.m.
Cerro Gordo Co. Area Landfill Agency	2:35 p.m.
Break	3:00 p.m.
Miller Products Company (A.G. Referral)	3:15 p.m.
Meeting reconvenes 8:30 a.m., April 17	
The Jimmy Dean Meat Co., Inc. (A.G. Referral)	3:45 p.m.
City of Osceola	4:15 p.m.

1. Approve Agenda
2. Approve Minutes of March 19-20, 1990.
3. Director's Report. (Wilson) Informational.
4. Financial Status Report. (Kuhn) Informational.
5. Environmental Protection Commission's Role in Contracting and Purchasing. (Kuhn) Informational.
6. Proposed Rule--Chapter 209 Amendments, Landfill Alternative Grants. (Hay) Informational.
7. Final Rule--Chapter 119, Disposal, Collection, and Reuse of Waste Oil. (Hay) Decision.
8. Toxic Cleanup Days Contract Approval. (Hay) Decision.
9. Monthly Reports. (Stokes) Informational.
10. Notice of Intended Action--Chapter 25 Amendment and New Chapter 30, Toxic Air Pollutants. (Stokes) Decision.
11. Notice of Intended Action--Chapters 100 and 102, Landfill Operator and Solid Waste Incinerator Operator Certification. (Stokes) Decision.
12. Notice of Intended Action-Chapters 100, 104 and 105, Yard Waste Disposal and Composting Facilities. (Stokes) Decision.
13. Notice of Intended Action--Chapter 121, Land Application of Petroleum Contaminated Soils. (Stokes) Decision.
14. Proposed Rule--Chapter 121, Land Application of Waste - Sewage Sludge and Industrial Sludges. (Stokes) Informational.
15. Proposed Rule--Chapter 61, Water Body Classifications. (Stokes) Informational.

16. Appeal of Contested Case Decision--Craig Natvig. (Combs) Decision.

17. Referrals to the Attorney General. (Combs) Decision.

    (a) Clear Lake Sanitary District
    (b) Cerro Gordo County Area Landfill Agency
    (c) City of Osceola
    (d) The Jimmy Dean Meat Company, Inc. (Osceola)
    (e) Miller Products Company (Osceola)
    (f) Harris Jorgenson (Butler County)
    (g) Mercy Hospital Medical Center (Des Moines)
    (h) Don Ervvin (Fort Dodge)
    (i) R.J. Kool Co. (Cedar Rapids)

18. Legislation Update. (Combs) Informational.

19. General Discussion Items.

20. Address Items for Next Meeting.

NEXT MEETING DATES

May 21-22, 1990
June 18-19, 1990
July 16-17, 1990

Appointments to be added to the agenda:

Monday, April 16

Karlton Fullenworth & Jim Gustafson	1:30 p.m.
Don Ervin	1:45 p.m.
Clear Lake Sanitary Distruct (A.G. referral)	2:00 p.m.
Cerro Gordo Co. Area Landfill Agency (A.G. referral)	2:35 p.m.
Miller Products Company (A.G. referral)	3:15 p.m.
The Jimmy Dean Meat Co., Inc. (A.G. referral)	3:45 p.m.
City of Osceola (A.G. referral)	4:15 p.m.

(no appointment given, but Dan Frieberg called and would like to address the Air Toxics rules)

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 6, 1990

NAME (please print)	COMPANY OR AGENCY	CITY
DAN VEST	GROWMARK, INC.	BLOOMINGTON, IL.
JACK SOENER	IA ASSOC BUSINESS & INDUSTRY	DES MOINES
Frank Weaver	Iowa Power	DM
Jack Clark	Iowa Utility Assoc.	Des Moines
JEFF Robinson	LFB	D.M.
Theresa Kehoe	SDC	D.M.
Marilyn [illegible]		Carlisle
JERRY PARKIN	JOHN DEERE	DM
PAT STOCKTON	IHA/ISHE	OTTUMWA
Neil Leipzig	Solvay	Charles City, IA
RoD Boshart	CR Gazette	Cedar Rapids
Amil Herker Jr	Clear Lake Sanitary District	Clear Lake
Dale [illegible]	Farm Bureau Spokesman	Des Moines
DAN FRIEBERG	IOWA FERT & CHEM ASSOC.	DES MOINES
[illegible]	~~[illegible]~~	[illegible], IA
Emmett [illegible]		" "
Debbie Handy		
Karlton [illegible]		Storm Lake

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 16, 1990

NAME (please print)	COMPANY OR AGENCY	CITY
Rep. Russell Eddie		Storm Lake
Wally Pyle		Lakeside Iowa
Jim Gustafson		Storm Lake Ia
Bryce Hawthorn	Deere & Company	Moline IL
[illegible]	Midwest Research	Ft Dodge IA
John J. Scieszinski	Attorney for Midwest Research	Des Moines, Iowa
Dianna L Silvagni		DM, IA
Carolyn T. Wolter	Drake Law	Des Moines, Ia.
John G. Erickson	Cerro Gordo Co Area Solid Waste Agency	Mason City, Iowa
[illegible] Erickson	— — —	[illegible], Ia.
Steve Kiroff	— — —	Mason City Iowa
Jack B. McFarland	Miller Products Co	Osceola Iowa
Jim McElvogue	City of Osceola	
Dean Torreson	City of Osceola.	

RICK GOODELL	JIMMY DEAN MFG	OSCEOLA
Frank Howell	Jimmy Dean MFG	Osceola Iowa
[illegible]	Atty	[illegible]

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Minutes of the Environmental Protection Commission Meeting

April 16, 1990

Wallace State Office Building, Des Moines, Iowa

TABLE OF CONTENTS

APRIL 1990 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:30 A.M. on April 16, 1990.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Charlotte Mohr, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Rozanne King, Margaret Prahl

ADOPTION OF AGENDA

The following items were added to the agenda:

Item 17-J Proposed Contested Case Decision--Dannie R. Hoover and Bill Edwards

Appointments:

Karlton Fullenworth and Jim Gustafson	1:30 p.m.
Don Ervin	1:45 p.m.
Clear Lake Sanitary District	2:00 p.m.
Miller Products Company	3:15 p.m.
The Jimmy Dean Meat Co., Inc.	3:45 p.m.
City of Osceola	4:15 p.m.

Motion was made by Richard Hartsuck to approve the agenda as amended. Seconded by Bill Ehm. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Bill Ehm to approve the minutes of March 19-20, 1990 as presented. Seconded by Richard Hartsuck. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson gave a REAP status report covering breakdown of allocations in the REAP fund. He reported that 17 regional assemblies were held around the state and a total of 85 delegates were elected to the the REAP Congress. He related that the most controversial part of the meetings was in regards to election of delegates. The REAP Congress will be held on Saturday, July 14, in the House Chambers at the Capitol. Director Wilson noted that the assemblies were well attended with a total attendance of all assemblies at 2,925. He stated that the the County Resource Enhancement Committees must have their 5-year plans to the DNR by June 30, 1990. He displayed charts showing the breakdown of allocations to the County Conservation Account, City Park & Open Spaces Account, Large Cities Account, and the Open Space Private/Public Cost Share Account. Director Wilson listed projects for which funds were approved by the scoring committees. These projects were also approved by the Natural Resource Commission at their last meeting.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Monthly Financial Status Report, by division, for the end of March, 1990, was not yet available when the agenda was prepared. It will be mailed separately. It is expected to be available within a few days. Please contact staff if you have any significant questions or concerns.

(Report is shown on the following 3 pages)

J080C103 IOWA DEPARTMENT OF NATURAL RESOURCES PAGE 1
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR"S OFFICE					
101 PERSONAL SERVICES	17,749.30	155,874.91	162,841.00	6,966.09-	223,101.00
202 PERSONAL TRAVEL	3,436.04	28,221.08	27,280.00	941.08	40,000.00
301 OFFICE SUPPLIES	142.25	1,556.37	800.00	756.37	1,200.00
303 EQUIPMENT MAINTENANCE SUP	43.75	541.75	800.00	258.25-	1,200.00
308 OTHER SUPPLIES	0.00	992.61	90.00	902.61	120.00
309 PRINTING & BINDING	961.55	8,780.10	8,080.00	700.10	14,120.00
405 PROF & SCIENTIFIC SERVICE	0.00	29.58	3,000.00	2,970.42-	6,000.00
406 OUTSIDE SERVICES	0.00	597.85	2,000.00	1,402.15-	3,200.00
410 DATA PROCESSING	205.70	1,451.11	2,800.00	1,348.89-	4,800.00
414 REIMBURSEMENTS TO OTHER A	97.58	588.70	0.00	588.70	0.00
501 EQUIPMENT	0.00	2,274.75	4,800.00	2,525.25-	4,800.00
DIVISION TOTAL	22,636.17	200,908.81	212,491.00	11,582.19-	298,541.00

J080C103 IOWA DEPARTMENT OF NATURAL RESOURCES PAGE 2
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	112,577.05	1,073,496.93	1,095,882.00	22,385.07-	1,481,952.00
202 PERSONAL TRAVEL	3,445.35	31,810.80	29,273.00	2,537.80	45,800.00
203 STATE VEHICLE OPERATION	1,357.87	6,279.18	7,287.00	1,007.82-	10,931.00
204 STATE VEHICLE DEPRECIATIO	2,520.00	10,695.00	11,800.00	1,105.00-	17,700.00
301 OFFICE SUPPLIES	451.02	63,625.17	47,000.00	16,625.17	70,500.00
302 FACILITY MAINTENANCE SUPP	1,128.96	12,847.80	16,332.00	3,484.20-	24,000.00
303 EQUIPMENT MAINTENANCE SUP	1,002.91	8,967.37	8,000.00	967.37	12,000.00
307 AG.,CONSERVATION & HORT S	0.00	220.00	500.00	280.00-	500.00
308 OTHER SUPPLIES	8,635.91	50,116.99	19,200.00	30,916.99	28,700.00
309 PRINTING & BINDING	28,705.71	240,286.59	257,074.00	16,787.41-	373,950.00
312 UNIFORMS & RELATED ITEMS	532.37	2,372.54	2,566.00	193.46-	2,850.00
401 COMMUNICATIONS	2,011.66	9,156.61	6,132.00	3,024.61	9,200.00
402 RENTALS	499.00	654.14	0.00	654.14	500.00
403 UTILITIES	1,911.92	19,465.19	17,830.00	1,635.19	26,750.00
405 PROF & SCIENTIFIC SERVICE	0.00	41,317.50	80,920.00	39,602.50-	86,920.00
406 OUTSIDE SERVICES	4,957.18	34,028.60	32,500.00	1,528.60	60,000.00
408 ADVERTISING & PUBLICITY	1,653.24	6,977.82	12,500.00	5,522.18-	12,500.00
410 DATA PROCESSING	1,827.14	6,596.72	12,868.00	6,271.28-	19,600.00
414 REIMBURSEMENTS TO OTHER A	943.26	2,311.61	5,000.00	2,688.39-	5,000.00
501 EQUIPMENT	2,613.89	56,374.34	67,750.00	11,375.66-	68,150.00
DIVISION TOTAL	176,774.44	1,677,600.90	1,730,414.00	52,813.10-	2,357,503.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	283,352.56	2,673,946.28	2,893,501.00	219,554.72-	3,870,134.00
202 PERSONAL TRAVEL	4,724.97	33,029.26	40,850.00	7,820.74-	61,400.00
203 STATE VEHICLE OPERATION	7,467.73	36,441.40	40,885.00	4,443.60-	58,500.00
204 STATE VEHICLE DEPRECIATIO	10,710.00	48,370.00	48,975.00	605.00-	68,500.00
301 OFFICE SUPPLIES	33,249.10	338,207.69	268,590.00	69,617.69	340,050.00
302 FACILITY MAINTENANCE SUPP	75.52	318.85	1,400.00	1,081.15-	1,700.00
303 EQUIPMENT MAINTENANCE SUP	8,243.29	49,816.44	47,885.00	1,931.44	63,390.00
308 OTHER SUPPLIES	1,771.37	10,211.50	9,050.00	1,161.50	12,900.00
309 PRINTING & BINDING	3,257.95	15,052.80	19,418.00	4,365.20-	27,075.00
312 UNIFORMS & RELATED ITEMS	170.83	1,308.46	3,800.00	2,491.54-	4,200.00
401 COMMUNICATIONS	33,424.32	141,832.21	148,385.00	6,552.79-	221,900.00
402 RENTALS	0.00	219.00	375.00	156.00-	500.00
406 OUTSIDE SERVICES	611.17	17,808.16	26,745.00	8,936.84-	35,950.00
410 DATA PROCESSING	3,802.81	76,165.77	81,600.00	5,434.23-	119,500.00
412 AUDITOR OF STATE REIMBURS	0.00	75,495.00	100,000.00	24,505.00-	112,000.00
414 REIMBURSEMENTS TO OTHER A	2,811.53	7,918.82	6,890.00	1,028.82	11,650.00
501 EQUIPMENT	12,825.99	86,610.20	108,046.00	21,435.80-	142,350.00
701 LICENSES	0.00	2.50	100.00	97.50-	150.00
DIVISION TOTAL	406,499.14	3,612,754.34	3,846,495.00	233,740.66-	5,151,849.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	310,580.03	3,551,339.92	3,531,028.00	20,311.92	5,073,170.00
202 PERSONAL TRAVEL	6,661.22	37,521.28	75,743.00	38,221.72-	103,709.00
203 STATE VEHICLE OPERATION	25,136.03	135,798.16	134,222.00	1,576.16	179,776.00
204 STATE VEHICLE DEPRECIATIO	32,590.00	155,710.00	209,735.00	54,025.00-	287,369.00
301 OFFICE SUPPLIES	2,707.24	23,653.97	34,102.00	10,448.03-	45,575.00
302 FACILITY MAINTENANCE SUPP	50,774.69	444,448.33	466,842.00	22,393.67-	692,568.00
303 EQUIPMENT MAINTENANCE SUP	19,100.45	187,408.80	183,820.00	3,588.80	294,000.00
307 AG.,CONSERVATION & HORT S	133.51	7,640.61	8,107.00	466.39-	19,500.00
308 OTHER SUPPLIES	1,794.29	40,353.74	18,451.00	21,902.74	26,944.00
309 PRINTING & BINDING	17,724.55-	21,168.65	62,479.00	41,310.35-	102,339.00
312 UNIFORMS & RELATED ITEMS	3,642.66	18,888.61	34,866.00	15,977.39-	49,433.00
401 COMMUNICATIONS	3,922.23	52,292.05	48,720.00	3,572.05	72,182.00
402 RENTALS	255.00	20,259.26	13,267.00	6,992.26	20,490.00
403 UTILITIES	19,274.57	244,278.46	197,278.00	47,000.46	293,276.00
405 PROF & SCIENTIFIC SERVICE	8,000.00	14,500.00	29,945.00	15,445.00-	58,045.00
406 OUTSIDE SERVICES	3,574.29	111,005.04	99,789.00	11,216.04	165,332.00
408 ADVERTISING & PUBLICITY	0.00	276.15	4,000.00	3,723.85-	4,000.00
410 DATA PROCESSING	298.73	1,875.99	5,195.00	3,319.01-	8,000.00
414 REIMBURSEMENTS TO OTHER A	121.98	5,885.11	400.00	5,485.11	1,050.00
501 EQUIPMENT	32,063.37	172,357.31	157,561.00	14,796.31	197,730.00
701 LICENSES	150.00	150.00	1,800.00	1,650.00-	2,000.00
DIVISION TOTAL	503,055.74	5,246,811.44	5,317,350.00	70,538.56-	7,696,488.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	125,474.97	1,173,411.88	1,250,484.00	77,072.12-	1,715,917.00
202 PERSONAL TRAVEL	2,256.76	25,543.53	27,317.00	1,773.47-	40,235.00
203 STATE VEHICLE OPERATION	8,852.33	51,075.26	58,065.00	6,989.74-	75,000.00
204 STATE VEHICLE DEPRECIATIO	17,515.00	80,895.00	89,095.00	8,200.00-	118,900.00
301 OFFICE SUPPLIES	1,605.20	40,976.64	13,170.00	27,806.64	16,920.00
302 FACILITY MAINTENANCE SUPP	513.97	12,044.42	24,950.00	12,905.58-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	2,404.18	36,201.42	38,960.00	2,758.58-	58,660.00
307 AG.,CONSERVATION & HORT S	3,890.83	67,137.78	94,178.00	27,040.22-	104,178.00
308 OTHER SUPPLIES	3,382.88	10,487.44	15,550.00	5,062.56-	15,900.00
309 PRINTING & BINDING	759.75	5,675.60	16,750.00	11,074.40-	17,931.00
312 UNIFORMS & RELATED ITEMS	1,545.11	12,204.55	14,025.00	1,820.45-	14,225.00
401 COMMUNICATIONS	1,912.81	17,210.31	15,610.00	1,600.31	23,230.00
402 RENTALS	924.00	11,050.17	11,150.00	99.83-	17,200.00
403 UTILITIES	2,828.25	18,300.50	20,500.00	2,199.50-	26,084.00
406 OUTSIDE SERVICES	2,354.10	15,452.93	26,300.00	10,847.07-	42,800.00
408 ADVERTISING & PUBLICITY	33.14	407.25	700.00	292.75-	700.00
410 DATA PROCESSING	164.66	1,197.46	660.00	537.46	700.00
414 REIMBURSEMENTS TO OTHER A	121.98	839.35	450.00	389.35	600.00
501 EQUIPMENT	3,751.11	51,808.35	90,829.00	39,020.65-	98,379.00
701 LICENSES	0.00	305.00	75.00	230.00	100.00
DIVISION TOTAL	180,291.03	1,632,224.84	1,808,818.00	176,593.16-	2,418,659.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	167,193.80	1,494,760.45	1,583,824.00	89,063.55-	2,161,890.00
202 PERSONAL TRAVEL	5,807.84	48,908.02	55,259.00	6,350.98-	77,592.00
203 STATE VEHICLE OPERATION	3,223.48	14,661.83	19,256.00	4,594.17-	26,540.00
204 STATE VEHICLE DEPRECIATIO	4,240.00	18,795.00	17,581.00	1,214.00	23,442.00
301 OFFICE SUPPLIES	923.20	13,848.93	10,012.00	3,836.93	13,296.00
302 FACILITY MAINTENANCE SUPP	61.77	912.58	2,300.00	1,387.42-	3,800.00
303 EQUIPMENT MAINTENANCE SUP	71.17	1,998.25	2,850.00	851.75-	3,300.00
304 PROF. & SCIENTIFIC SUPPL	4,149.05	6,246.69	12,761.00	6,514.31-	13,546.00
308 OTHER SUPPLIES	833.03	30,806.85	21,970.00	8,836.85	28,200.00
309 PRINTING & BINDING	3,054.15	14,718.42	18,040.00	3,321.58-	27,600.00
401 COMMUNICATIONS	131.91	10,852.76	13,925.00	3,072.24-	18,570.00
402 RENTALS	175.00	1,647.60	1,575.00	72.60	2,100.00
403 UTILITIES	31.37	7,684.16	15,419.00	7,734.84-	19,750.00
405 PROF & SCIENTIFIC SERVICE	192,139.02	579,080.03	1,453,754.00	874,673.97-	2,130,361.00
406 OUTSIDE SERVICES	415.38	14,866.14	7,951.00	6,915.14	10,763.00
410 DATA PROCESSING	1,811.50	6,705.44	10,031.00	3,325.56-	14,168.00
414 REIMBURSEMENTS TO OTHER A	1,402.77	6,985.20	4,220.00	2,765.20	6,162.00
501 EQUIPMENT	0.00	35,096.49	44,734.00	9,637.51-	53,601.00
DIVISION TOTAL	385,664.44	2,308,574.84	3,295,462.00	986,887.16-	4,634,681.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	436,032.35	3,865,922.64	4,017,754.00	151,831.36-	5,500,002.00
202 PERSONAL TRAVEL	7,336.45	61,740.19	120,460.00	58,719.81-	158,000.00
203 STATE VEHICLE OPERATION	4,867.20	26,952.23	30,210.00	3,257.77-	43,000.00
204 STATE VEHICLE DEPRECIATIO	9,340.00	42,360.00	47,250.00	4,890.00-	63,000.00
301 OFFICE SUPPLIES	2,930.79	22,724.80	34,166.00	11,441.20-	38,950.00
302 FACILITY MAINTENANCE SUPP	28.80	1,240.90	2,000.00	759.10-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	2,914.90	5,011.16	5,100.00	88.84-	9,800.00
304 PROF. & SCIENTIFIC SUPPL	0.00	426.80	3,600.00	3,173.20-	5,000.00
308 OTHER SUPPLIES	737.85	11,960.50	16,551.00	4,590.50-	24,170.00
309 PRINTING & BINDING	1,760.25	9,526.70	32,650.00	23,123.30-	38,650.00
312 UNIFORMS & RELATED ITEMS	3,947.02	5,910.86	3,000.00	2,910.86	3,200.00
401 COMMUNICATIONS	4,942.66	24,931.90	24,050.00	881.90	35,650.00
402 RENTALS	5,123.91	35,927.37	30,065.00	5,862.37	45,065.00
403 UTILITIES	775.52	6,175.93	7,779.00	1,603.07-	14,145.00
405 PROF & SCIENTIFIC SERVICE	6,425.00	399,157.66	900,375.00	501,217.34-	1,359,700.00
406 OUTSIDE SERVICES	4,478.71	20,882.38	27,497.00	6,614.62-	36,170.00
408 ADVERTISING & PUBLICITY	175.54	3,706.63	2,800.00	906.63	3,100.00
410 DATA PROCESSING	14,294.10	73,514.26	89,875.00	16,360.74-	137,500.00
414 REIMBURSEMENTS TO OTHER A	3,227.96	7,429.42	11,280.00	3,850.58-	13,950.00
501 EQUIPMENT	55,663.19	197,736.61	369,473.00	171,736.39-	456,950.00
701 LICENSES	0.00	50.00	285.00	235.00-	285.00
DIVISION TOTAL	565,002.20	4,823,288.94	5,776,220.00	952,931.06-	7,988,787.00

J080C103 IOWA DEPARTMENT OF NATURAL RESOURCES PAGE 8
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	764,041.19	7,322,913.83	7,362,845.00	39,931.17-	9,981,126.00
202 PERSONAL TRAVEL	32,406.34	252,652.73	253,656.00	1,003.27-	354,865.00
203 STATE VEHICLE OPERATION	70,605.11	329,092.35	357,475.00	28,382.65-	502,455.00
204 STATE VEHICLE DEPRECIATIO	100,430.00	454,185.00	434,509.00	19,676.00	587,706.00
301 OFFICE SUPPLIES	9,286.81	165,220.61	139,734.00	25,486.61	176,090.00
302 FACILITY MAINTENANCE SUPP	21,139.04	299,011.82	345,098.00	46,086.18-	515,191.00
303 EQUIPMENT MAINTENANCE SUP	18,812.67	259,954.15	287,894.00	27,939.85-	390,099.00
307 AG.,CONSERVATION & HORT S	16,143.70	150,704.47	205,220.00	54,515.53-	364,062.00
308 OTHER SUPPLIES	14,154.11	87,679.49	78,443.00	9,236.49	107,388.00
309 PRINTING & BINDING	16,150.95	98,029.22	109,519.00	11,489.78-	128,226.00
312 UNIFORMS & RELATED ITEMS	10,430.99	87,681.63	100,414.00	12,732.37-	124,850.00
401 COMMUNICATIONS	20,958.68	118,545.87	107,755.00	10,790.87	161,317.00
402 RENTALS	5,136.00	27,977.03	36,664.00	8,686.97-	51,035.00
403 UTILITIES	20,416.35	139,688.46	155,408.00	15,719.54-	220,306.00
405 PROF & SCIENTIFIC SERVICE	11,330.54-	86,028.23	158,168.00	72,139.77-	173,968.00
406 OUTSIDE SERVICES	14,778.18	130,827.89	95,862.00	34,965.89	140,616.00
408 ADVERTISING & PUBLICITY	835.83	13,794.74	26,750.00	12,955.26-	26,870.00
410 DATA PROCESSING	2,405.67	35,543.24	32,125.00	3,418.24	38,000.00
414 REIMBURSEMENTS TO OTHER A	12,198.00	63,893.35	74,100.00	10,206.65-	100,250.00
501 EQUIPMENT	45,587.00	217,404.49	346,893.00	129,488.51-	392,861.00
602 OTHER EXPENSES & OBLIGATI	200.00	1,450.00	450.00	1,000.00	600.00
701 LICENSES	0.00	120.00	127.00	7.00-	170.00
DIVISION TOTAL	1,184,786.08	10,342,398.60	10,709,109.00	366,710.40-	14,538,051.00

J080C103 IOWA DEPARTMENT OF NATURAL RESOURCES PAGE 9
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 03/31/90

	TOTAL EXPENDITURES 03/01/90 - 03/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	30,418.17	266,558.32	273,547.00	6,988.68-	374,082.00
202 PERSONAL TRAVEL	210.48	18,966.20	16,466.00	2,500.20	22,000.00
301 OFFICE SUPPLIES	0.00	4,997.33	5,407.00	409.67-	7,325.00
308 OTHER SUPPLIES	87.66	1,000.56	5,164.00	4,163.44-	7,000.00
309 PRINTING & BINDING	476.29	9,508.71	21,596.00	12,087.29-	27,200.00
406 OUTSIDE SERVICES	3,303.25	10,461.01	4,497.00	5,964.01	6,000.00
408 ADVERTISING & PUBLICITY	0.00	610.00	0.00	610.00	0.00
410 DATA PROCESSING	235.75	1,708.40	4,497.00	2,788.60-	6,000.00
414 REIMBURSEMENTS TO OTHER A	0.00	7,323.34	7,637.00	313.66-	12,150.00
501 EQUIPMENT	2,082.14	11,068.74	14,952.00	3,883.26-	17,270.00
DIVISION TOTAL	36,813.74	332,202.61	353,763.00	21,560.39-	479,027.00

This was an informational item; no action was required.

ENVIRONMENTAL PROTECTION COMMISSION'S ROLE IN CONTRACTING AND PURCHASING

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

This agenda brief describes the major Code provisions, Administrative Rules, and DNR procedures relative to purchasing or contracting for goods and services. This is in response to the questions raised at the previous meeting regarding the EPC's role in approving the purchase of personal computers.

Generally, both the EPC and the NRC have independent authority to approve contracts for consulting services and professional services that exceed $25,000 per contract. On the other hand, the purchase of equipment and supplies rests with the Director of the Department of General Services. The DNR, and most other State agencies, either purchase equipment and supplies through DGS, or are delegated purchasing authority in defined situations. A copy of Code Chapter 18 and the Department of General Services' Administrative Rules, Chapter 7 are attached.

Under 455B.105 (9), the EPC has the authority to "Approve all contracts between the department and other public or private persons or agreements." Subsection (3) also provides that the EPC must approve all contracts with public agencies of this State to provide all laboratory, scientific, field measurement and environmental quality evaluation services...." This authority is construed as being limited to matters within Chapter 455B.

At the point of reorganization, IWAWM had been following a policy of submitting all equipment purchases estimated to cost $5,000 or more to the EPC for approval. This practice has been continued. However, there does not appear to be a specific Code requirement in this regard.

Several Code provisions give final payment approval for all State claims to the Director of the Department of Revenue and Finance. The Director of the Department of General Services has approval authority for Purchase Orders. Under 455B.107, the Director of Revenue and Finance has the duty to draw warrants upon itemized and verified vouchers bearing the approval of the Director of the Department of Natural Resources.

For most purchases of equipment and materials over $500 per instance, the DNR submits a Purchase Requisition to DGS. Generally, this requisition is approved by a Bureau Chief if less than $1,500, by a Division Administrator if less than $2,500, and all requests for purchase orders over $2,500 are approved by the

Director. The approval of equipment by the EPC is an additional approval step relating only to equipment purchases by the EPD.

The DGS has delegated authority to the DNR for individual field purchases of less than $500 per instance, and also for common commodities like fuel that may exceed $500 per purchase.

Equipment purchases involving Federal aid must also meet Federal requirements. In E.P.A.'s case, these requirements are more stringent than the State's.

The EPC has adopted, by reference, the DNR Administrative Rule, Chapter 8, "Contracts for Public Improvements and Professional Services." This Rule delegates to the Director authority for final approval of contracts less than $25,000. Contracts over that amount must be approved by the EPC. A copy of Chapter 8 is attached.

For comparison purposes, the NRC has specific authority to approve all land purchases. The NRC has also adopted Chapter 8 by reference. All equipment and material purchases in functions related to the NRC, except for local field unit purchases, are submitted to DGS after approval by the Director, or as delegated by the Director. The NRC normally does not become involved in the approval of equipment or goods purchases.

The Energy Funds Disbursements Council approves all major grants and uses of funds through the various Oil Overcharge programs. Both the NRC and the EPC approve or otherwise control the approval of various grant programs according to specific provisions contained in the Administrative Rule related to the grant program.

This is a brief review of the major contracting and purchasing rules and procedures. These provisions are scattered throughout the Code in many different areas. This item is not intended as a comprehensive overview of all of those areas. In summary, the current practice of taking major EPD equipment purchases to the EPC is an extra approval step. This step is not followed regarding equipment purchases in the other divisions. Major equipment purchases by the EPD are infrequent and this extra step does not require much additional staff time.

This was an informational item; no action was required.

PROPOSED RULE--CHAPTER 209 AMENDMENTS, LANDFILL ALTERNATIVE GRANTS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to review the proposed rule revision relating to Grants for Solid Waste Demonstration Projects. The purpose of the revision is to strengthen the current rules governing the grant program and to further define or redefine eligibility requirments, evaluation criteria, establish cost-share requirements and a ceiling for funding of projects and require the use of a specific application form to be used by grant applicants.

The proposed rule revision:

- Adds additional definitions.

- Establishes new sections further defining eligible and ineligible costs.

- Adds cost-share requirments based on the type of project to be funded (following the solid waste management hierarchy). Also proposes a maximum funding level of $300,000 per project and establishes a time frame for receiving further grant funding through this program.

- Adds two (2) new project award criteria. One covering the planning and management abilities of the applicants and one evaluating public education programs inherent to many projects.

- Strikes two (2) project award criteria. The projects nearness to completion and environmental benefits and acceptability criteria were struck due to the difficult nature of using these criteria in the evaluation of the submitted proposals.

- Adds language pursuant to Iowa Code 455B.314 concerning the separation of recyclable and potentially hazardous materials before incineration of solid wastes.

- Strikes language that specifically requires the reservation of funds for environmental assessments and adds similar language to the section defining eligible projects.

- Adds new section regarding application forms that will be required by all new applicants.

- Adds new section concerning reasons for denying grant funding.

Chapter 209
Grants For Solid Waste Demonstration Projects

567--209.1(455B,455E) Goal. The goals of this program ~~is~~ are to demonstrate alternative methods for managing solid wastes. ~~---Also, the program is~~ designed to reduce the environmental effects related to disposal of solid wastes in Iowa landfills. These goals will be achieved through specific actions, as outlined in 1987 Iowa Acts, House File 631, the Groundwater Protection Act, and include the following hierarchy of waste management priorities in descending order of preference:

1. Volume reduction at the source;
2. Recycling/reuse;
3. Combustion with energy recovery and reuse-derived fuels production; and
4. Combustion for volume reduction.

567--209.2(455B,455E) Purpose. The purpose of this program is to provide grants and other financial assistance to ~~local governments and commercial establishments~~ eligible candidates including any unit of local government, not-for-profit organization and for-profit commercial establishments located in Iowa for the purpose of developing and implementing demonstration projects for landfill alternatives to solid waste disposal. Projects sponsored by the department of natural resources must meet one of the ~~criteria outlined in the~~ program goals for reducing materials being disposed of in sanitary landfills and will be selected through a competitive grant process.

567--209.3(455B,455E) Definitions.

"Department" means the Iowa dDepartment of nNatural rResources.

~~"Eligible candidate" means any unit of local government, not-for-profit organization and for-profit commercial establishments located in Iowa.~~

"Eligible project" means any project which is capable of recycling solid wastes, reducing the amount of solid wastes sent to a sanitary landfill, or producing energy from the solid wastes.

"Energy production" is defined as the direct conversion of solid wastes into useful process heat or electricity or the production of processed fuels which can be used in place of coal, natural gas, or oil.

"Financial assistance" means monetary assistance other than grants including interest buydowns on loans.

"Grants" means financial assistance in the form of cash payments to eligible candidates for certain considerations.

"Groundwater pProtection Act" means 1987 Iowa Acts, cChapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills ~~and pesticides~~ and provides grants to encourage better management of Iowa's groundwater resources.

"Petroleum overcharge allocation" means 1897 Iowa Acts, cChapter 230, which allocates and appropriates Iowa's petroleum overcharge refunds generated from Stripper Well, Exxon, Amoco, and other petroleum overcharge settlements.

"Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

"Waste management authority" means the waste management authority division of the department of natural resources established by 1987 Iowa Acts, cChapter 180.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Cost-share" means the percent of applicant funds contributed to the project for those expenses or services that are directly dedicated to the project including, but not limited to, assessed worth of existing equipment, buildings, and salaries directly related to an existing project and costs of new or rented equipment and buildings and salaries and services directly related to the project.

567--209.4(455B,455E) Role of the department of natural resources. The department of natural resources is responsible for the administration of funds for projects sponsored under these rules. The department will assure that funds disbursed will meet guidelines established by the gGroundwater pProtection Act, the allocation of petroleum overcharge funds, and the wWaste mManagement aAuthority Act.

Any eligible project may be submitted by any eligible candidate for grant consideration under this chapter. The director will determine which projects will receive funding after review by the waste management authority division; ~~--the --energy --and --geological --resources --division;~~ and the environmental protection division of the department.

567--209.5(455B,455E) Funding sources. The department will use funds appropriated by the legislature, and other sources that may be obtained for the purpose of achieving the goals outlined in these rules. The department will ensure that monies appropriated meet both federal and state guidelines pertaining to their use.

567--209.6(455B,455E) Eligible costs. Applicants can request monetary assistance in the operation of the project which include funds for:

1. collection, processing or hauling equipment;
2. materials and labor for construction of buildings;
3. engineering or consulting fees;
4. contractual labor for installation of equipment;
5. laboratory analysis costs;
6. salaries directly related to the project;
7. development and distribution of educational materials;
8. planning and implementation of educational forums including, but not limited to, workshops.

567--209.7(455B,455E) Ineligible costs. Applicants cannot request monetary assistance for the following costs:

1. taxes;
2. vehicle registration;
3. indirect or overhead expenses;
4. legal costs;
5. contingency funds;
6. land acquisition.

567--209.68(455B,455E) Eligible projects. The department may provide grants to eligible candidates for the following types of projects:

1. Volume reduction at the source;
2. ~~Source-separation/reuse~~ Recycling and reuse including composting;
3. The production of energy or ~~densified~~ refuse-derived fuels;

4. Other projects which reduce the amount of material disposed of in landfills; and

5. Environmental testing related to ~~the use of municipal solid waste as an energy source~~ various landfill alternatives for solid waste. Such projects shall include, but not be limited to, testing air emissions generated by the combustion of municipal solid waste and an analysis of the ash generated as a result of the combustion of municipal solid waste.

567--209.79(455B,455E) Project award. Projects will be awarded based on the following criteria. The department will determine the relative value of each of these factors in deciding which projects will receive funding. The criteria include:

1. ~~The projects nearness to completion~~ Planning and management ability. Evaluation of the planning efforts and management ability of the project personnel;

2. Transferability of the project ~~to other communities and commercial establishments~~. The extent to which the results of this project will prove valuable to other Iowa communities or industries considering the implementation of a similar project.

3. Cost-share by ~~community or commercial establishment~~ applicant:;

a) An applicant for a grant shall agree to provide a minimum cost-share of local funds toward the cost of the project:

(1) projects for volume reduction at the source - 40%;

(2) projects for recycling and reuse - 50%;

(3) projects for combustion with energy recovery - 60%;

(4) projects for combustion without energy recovery - 70%;

b) An applicant is eligible for a maximum grant of $300,000 and shall not be eligible to receive further grant funds until the ending date of the last grant contract obtained through this program.

4. Public Education. The effectiveness of the proposed education program, where applicable, will be considered.

~~4.--Environmental benefits and acceptability;~~

5. Percentage of municipal solid waste diverted from the landfill and how soon the project will begin affecting the waste stream;

6. Extent to which the project incorporates and reflects the hierarchy of waste management priorities of the state solid waste management policy;

7. Consistency with local and regional solid waste planning efforts including a commitment to a consistent volume of solid waste for the project or a plan to obtain a consistent volume of solid waste;

If a project is not part of a comprehensive plan required under 455B.306, the department may request a letter explaining how this project will or will not potentially impact the comprehensive planning process and, if there is an impact, the department may request a schedule for including the project in the appropriate comprehensive plan or plans.

8. Documentation that a market analysis has been completed for recyclable goods and energy markets.

When energy projects are being considered for funding, the following additional criteria will be included:

~~Commitment from energy market;~~

Recovery of noncombustibles;

Implementation of recycling/source separation projects in conjunction with the energy recovery project. Projects involving incineration shall separate from the materials to be incinerated recyclable and reusable materials, materials which will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered

nonhazardous or nontoxic by incineration. The removed materials shall be recycled, reused, or treated and disposed in a manner approved the department. Methods to implement such a program shall be included.

~~567--209.8(455B,455E) Environmental assessments of landfill alternatives. The department shall reserve funds for determining the environmental consequences of alternatives to solid waste landfilling. Such projects shall include, but not be limited to, testing air emissions generated by the combustion of municipal solid waste and an analysis of the ash generated as a result of the combustion of municipal solid waste.~~

567--209.10(455B,455E) Application forms. An applicant shall submit a completed application form provided by the department. The application forms will include, but not be limited to, the following information:

1. name of applicant
2. address of applicant
3. phone number of contact person
4. documentation of resources including:

a) identifiable monetary resources;
b) land, buildings, or equipment;
c) insurance coverage;
d) support services;
e) personnel.

5. information satisfying the provisions of sections 209.6 through 209.9 of this rule.
6. documentation of commitment of a consistent volume of solid waste for the project.
7. documentation of consistency with local and regional solid waste planning efforts.

Applications will be due the first Monday in June and the first Monday in December of every year unless otherwise designated by the waste management authority division. Application materials received after the deadline will be kept on file and considered in the following grant round.

567--209.11(455B,455E) Grant denial. An applicant may be denied funding for any of the following reasons:

1. An applicant does not meet eligibility requirements pursuant to the provisions of sections 209.6 through 209.10 of this rule.
2. An applicant does not provide sufficient information requested in the application forms pursuant to sections 209.6-209.10.
3. The project goals or scope are not consistent with with sections 209.1, 209.2, 209.6, 209.7, and 209.8 of this rule.

_____
Date

_____
Larry J. Wilson, Director

(A:EP209.MIN/086-90/bkp)

William Ehm asked how many grants over $300,000 have been made.

Ms. Hay replied that there were two, RoseBar Tire Shredding and Cherokee County.

This was an informational item; no action was required.

FINAL RULE--CHAPTER 119, DISPOSAL, COLLECTION, AND REUSE OF WASTE OIL

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to approve these rules concerning the disposal, collection, and reuse of waste oil. The primary purpose of these rules is to implement 455D.13 of the Iowa Code. This section prohibits sanitary landfills from accepting waste oil for final disposal. In addition, a person offering for sale or selling oil at retail shall either accept waste oil from customers or post notice of locations where a customer may deposit waste oil for recycling. The rules:

- encourage the recycling of waste oil by allowing sanitary landfills to collect waste oil if its ultimate disposition is for recycling and reuse.

- establish operating requirements for waste oil collectors including tank design and site conditions.

- require oil retailers to post signs encouraging the collection of waste oil for recycling.

- require oil retailers who choose not to collect waste oil to post signs identifying a conveniently located collection site.

- encourage cooperation among retailers to identify waste oil collection sites.

- requires the Waste Management Authority Division to promote the collection of waste oil for recycling through public educational efforts.

- encourage state procurement and purchase of recycled oil products.

Some changes have been made as a result of oral and written comments received during the public comment period. A summary of the changes follows.

- The definition of "tank" was amended to require the use of a closable tank, but was also broadened to allow the use of a mobile tank in collecting the waste oil.

- The operational requirements in subrule 119.4(b)(1) were amended to allow waste oil collectors to use unsupervised drop-off sites if a specific set of conditions are met. Specifically, the collectors can designate unsupervised drop-off sites if 1) only sealed containers of five gallons or less are accepted; 2) the site is sheltered from the elements; 3) customers are prohibited from depositing the waste oil directly into a collection tank; 4) the site is located on an impermeable surface and designed to contain potential spills.

- The provision allowing collection tanks to be set on a three inch layer of sand was deleted (tanks can only be set on an impermeable surface).

- The collection tanks must be constructed according to American Petroleum Institute specifications.

(Rule is shown on the following 5 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the authority of Iowa Code section 455D.6(6) and 455D.7(1) (1989 Iowa Acts, House File 753), and 455B.304, the Environmental Protection Commission of the Department of Natural Resources intends to adopt Chapter 119, "Waste Oil," Iowa Administrative Code.

These rules are intended to regulate the disposal and collection of waste oil, as well as to encourage the recycling and reuse of waste oil by both the private and public sectors.

The Notice of Intended Action was published in the February 7, 1990, Iowa Administrative Bulletin as ARC 659A. Both written and oral comments were received during the public comment period. Public hearings were held on March 14, 1990; March 15, 1990; and March 16, 1990.

A few changes to the Notice of Intended Action have been made as a result of public comments.

The definition of "tank" was amended. The adjectives "closable" and "mobile" were added to more completely describe the type of "devices" that can be used to collect the waste oil.

The definition of "waste oil" was clarified by deleting the word "contaminated" in the first paragraph of the definitional text.

Subrule 119.4(1)(b) was changed to allow the establishment of unsupervised drop-off sites if several specific operational requirements and site conditions exist.

Subrule 119.4(2) was amended to coordinate the household hazardous material program requirements with this chapter. As long as motor oil products are the only household hazardous materials a retailer is offering for sale, the household hazardous materials sign posting requirement can be complied with by posting the waste oil informational sign mandated in this chapter.

An additional operational requirement was added for retailers. Subrule 119.4(2)(c) requires retailers to accept waste oil "during normal business hours."

The language of subrule 119.5(1)(e) was changed requiring collection tanks to be "constructed in accordance with American Petroleum Institute specifications and standards" instead of "non-corrosive material, or treated as to make non-corrosive."

These rules are intended to implement Iowa Code section 455D.6(6) and section 455D.13, and 455B Division IV, Part I.

Chapter 119
Proposed Rules on Waste Oil

567--119.1(455D, 455B) Authority, purpose, and applicability.

119.1(1) Authority. Pursuant to Iowa Code sections 455D.7(1), 455D.6(6), and 455B.304, the Environmental Protection Commission is given the authority to adopt rules regulating the disposal, collection, and reuse of waste oil.

119.1(2) Purpose. The purpose of these rules is to protect the public health and the environment by regulating the disposal and collection of waste oil and to promote the reuse of oil which is a limited energy resource.

119.1(3) Applicability. The provisions of this chapter apply to oil retailers, sanitary disposal project permittees, and persons involved in the collection of waste oil.

567--119.2(455D, 455B) Definitions. The following definitions apply to the provisions of this chapter:

"Customer" means any individual who purchases oil or generates waste oil for personal or family purposes, including a farmer or a farm household.

"Contaminated" means waste oil mixed with hazardous waste as defined by the Resource Conservation and Recovery Act or with incompatible wastes, including but not limited to antifreeze, solvents, paints, pesticides, or household hazardous materials. Minimal amounts of vehicle fuel shall not be considered an incompatible waste.

"Department" means the department of natural resources.

"Division" means the waste management authority division of the department.

"Lubricating oils" means engine lubricating oils, hydraulic fluids and gear oils, excluding marine and aviation oils.

"Recycling" means the preparation of used oil for reuse as a petroleum product by rerefining, reprocessing, reclaiming, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all federal and state laws.

"Retailer" means a person offering for sale or selling a petroleum-based or synthetic oil to the ultimate consumer or user of the product, as an over-the-counter product or whereby the consumer is charged separately for the oil product when coupled with a service.

"Tank" means a closable stationary or mobile device designed to contain an accumulation of waste oil and constructed of non-earthern materials (e.g. concrete, steel, plastic) that provide structural support.

"Waste oil" means any petroleum-based or synthetic oil which through its use, storage, or handling has become unsuitable for its original purpose due to the presence of chemicalor physical impurities. Waste oil includes but is not limited to the following:

1) Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.

2) Spent industrial oils, including compressor, turbine, bearing, hydraulic, metalworking, electrical, and refrigerator oils.

Waste oil does not include oil which has been contaminated or contains PCBs of 5ppm or greater.

"Waste oil collection site" means any commercial, municipal, or nonprofit establishment or operation which has a waste oil collection tank on the premises, and accepts waste oil for temporary storage prior to the recycling of that which is collected.

"Waste oil collector" means any sanitary landfill operator, sanitary disposal project operator, oil retailer, or other individual who operates a waste oil collection site.

567--119.3(455D, 455B) Prohibited disposal.

119.3(1) Waste oil shall not be accepted for final disposal at any sanitary landfill. However, a sanitary landfill or sanitary disposal project, as defined in section 455B.301 of the Iowa Code, may accept waste oil for temporary storage or collection if the ultimate disposition of the oil is for recycling. All necessary permits or permit conditions must be obtained prior to the storage or collection of waste oil at these landfills and projects.

119.3(2) Waste oil may continue to be used for road oiling, dust suppression, and weed control in accordance with Chapter 143.

567--119.4(455D, 455B) Operational requirements.

119.4(1) Collection. Sanitary landfill operators, sanitary disposal project operators, commercial waste oil collectors, oil retailers, or other individuals who choose to collect waste oil from customers shall comply with the following requirements:

a) Waste oil shall be accepted which is contained in a closed, unbreakable, preferably reusable, container.

b) Waste oil collectors shall provide supervision of the collection process to minimize the risk of spills and to prevent customers from depositing contaminated waste oil into the collection tank. However, this does not preclude designating unsupervised drop-off sites for waste oil as long as the following conditions are met:

1) only sealed containers of five gallons or less shall be accepted.

2) the designated drop-off site must be wholly or partially sheltered from the elements.

3) customers shall drop off their containers only at the designated site and are not permitted to deposit their waste oil into a collection tank.

4) the designated site must be located on an impermeable surface engineered to contain potential spills.

c) During non-collection hours, the tank must be secured to prevent the contamination of the collected waste oil.

d) A sign shall be placed on or near the waste oil collection tank which includes the information that this tank is for waste oil collection only and the depositing of other materials is prohibited.

e) Collectors of waste oil shall ensure that the ultimate disposition of waste oil collected is for recycling and reuse.

f) There is no obligation to accept contaminated oil from the customer.

g) Waste oil collectors shall comply with Iowa Code Section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

119.4(2) Retailers. In addition to the above requirements relating to waste oil collection, retailers also shall comply with the following:

a) A sign shall be placed near the point of sale which informs the customer that it is unlawful to dispose of waste oil at a sanitary landfill, and that customers should return their waste oil to waste oil collection sites for recycling and reuse.

b) Retailers who choose to collect waste oil shall accept waste oil generated by residential households or farmers, but are not required to collect waste oil generated by commercial or municipal establishments.

c) Waste oil shall be accepted during normal business hours.

d) Retailers who choose not to collect waste oil shall post a durable, legible sign at least 8-1/2" by 11" in size and containing the following information:

1) The language "RECYCLE USED OIL" in bold lettering;

2) A list of the benefits from recycling waste oil including but not limited to "conserves energy, reuses limited resources, and protects Iowa's drinking water;"

3) At least two inches in length, the federal environmental protection agency's oil recycling symbol as shown below;

4) The language "used oil is a household hazardous material" and, at least two inches in length, the household hazardous materials program symbol as shown below;

5) The Groundwater Protection Hotline telephone number referenced as a source for more information on used oil recycling;

6) The warning that the disposal of waste oil in a landfill, or its deposit or discharge into any state waterway is unlawful.

7) The name, address and location of at least one used oil collection site located within the county in which the retailer is located. If there is more than one used oil collection site located in the applicable county, then the nearest collection site shall be listed on the posted sign.

Retailers shall ensure that the mandated signs are located according to the provisions listed above. Retailers may obtain the required signs upon request from the department. Retailers choosing to print and post their own signs must obtain a variance from the departmental rules.

Signs must be at least 8-1/2" by 11" in size and contain the information stipulated above. To request a variance, retailers should forward to the division for review the sign they wish to substitute for the departmental sign.

Those retailers who do not sell any other household hazardous materials except for motor oil products may comply with the household hazardous materials informational sign posting requirement of Chapter 567-144 through compliance with this chapter.

567--119.5(455D, 455B) Tanks.

119.5(1) Above-ground. In addition to the requirements imposed by the Office of the State Fire Marshal, the following standards are applicable to above-ground waste oil collection tanks:

a) The tank shall be of sufficient size to handle the projected quantities of used oil to be returned to this specific collection site.

b) The tank shall be designed and maintained to prevent the spillage or discharge of waste oil. Tanks must be set upon an impermeable surface engineered to contain potential spills.

c) Absorbent material shall be available at the tank site for use by the operator to control waste oil spillage or discharge.

d) The tank shall have a level gauge or some other adequate means for checking the oil level within the tank.

e) The tank shall be constructed in accordance with American Petroleum Institute specifications and standards.

119.5(2) Underground. Underground storage tanks used to collect or store waste oil shall comply with the standards in Part 8 of Division IV of Iowa Code Chapter 455B, entitled "Underground Storage Tanks," and the promulgated rules, Iowa Administrative Code, Chapters 567--135 and 136.

567--119.6(455D, 455B) Locating collection sites. If the retailer is unaware of any locations within the county where waste oil is being accepted from customers, then the retailer shall cooperate with other retailers to identify a waste oil collection site for customers. To identify a waste oil collection site, retailers should consider recruiting an operator of a facility which already has the means to collect waste oil. If through this cooperative

effort no sites can be identified, then the retailer should consider accepting waste oil from customers according to the standards listed in this chapter.

567--119.7(455D, 455B) Waste management authority division responsibilities.

119.7(1) Groundwater Protection Hotline. The division will promote the recycling of used oil through the continued staffing of the groundwater protection hotline. Staff will provide general information, distribute written materials concerning waste oil recycling, and maintain an updated, statewide list of waste oil collection facilities. Using the Groundwater Protection Hotline, customers should contact division staff to determine environmentally acceptable disposal methods for contaminated waste oil.

119.7(2) County coordinators. The division will designate, when feasible, waste oil recycling coordinators for each county to promote waste oil recycling, to identify existing waste oil collection sites, and to help establish additional collection sites.

567--119.8(455D, 455B) State procurement. All state officials shall promote the procurement and purchase of lubricating oils and other petroleum products that are made from recycled oils. Recycled oils which meet state specifications are recommended for use as engine lubricants in state vehicles, as hydraulic and gear lubricants for heavy equipment and machinery, and as a fuel oil for back-up heating systems at state facilities with fuel oil heating systems.

_____

Date

_____

Larry J. Wilson, Director

(A:EP119.MIN/092-90/pla)

Ms. Hay explained the rule as well as changes made from the Notice of Intended Action.

Discussion followed.

Motion was made by Mike Earley to approve Final Rule--Chapter 119, Disposal, Collection, and Reuse of Waste Oil. Seconded by William Ehm. Motion carried unanimously.

TOXIC CLEANUP DAYS CONTRACT APPROVAL

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Waste Management Authority Division has completed the evaluation of the proposals from the Hazardous Waste Management Contractors to conduct the Spring Toxic Cleanup Days in Sioux City, Webster City, Ottumwa, and Marshalltown. The following is the result of the evaluation.

Proposals were received from Chemical Waste Management, GSX Services, Aptus, and Environmental Management, Inc. Both Chemical Waste Management and GSX Services adequately addressed all the required information in the Request for Proposals. Aptus cannot agree to be the generator of the waste, and could not guarantee they could move the waste from the sites in the required 48 hours after the collection events. Environmental Management was weak on explaining their operation at the sites. They also did not provide a complete breakdown of their costs, so the estimate of their costs may not be accurate.

The following assumptions were used in the cost evaluation of the proposals.

Estimate of waste collected by disposal type:

4,800 gallons for lab pack incineration

800 gallons for lab pack treatment

800 gallons for lab pack landfill

4,400 gallons for non-halogenated solvents for bulk disposal

Work time was 30 hours per person per site

Each proposal estimated the volume of material that would be placed in each collection drum. The calculations yielded the following results. The amount of estimated material that would be collected is high and is reflected in the high values of the estimates.

Chemical Waste Management	$249,140.00
Environmental Management	$268,082.00
GSX Services	$270,305.00

The recommended contractor is Chemical Waste Management. They addressed all the requirements in the Request for Proposals, are experienced in collection events, have resources to conduct two collection events on the same weekend, and are the low bid.

The total cost of the collection events is estimated to be $200,000. The local communities are contributing a total of $51,500 toward the collection and disposal costs of the contractor. The Department will be paying approximately $150,000 for the four Toxic Cleanup Days.

(Contract is shown on the following 4 pages)

CONTRACT NO.

SPECIAL CONDITIONS

ARTICLE I. IDENTIFICATION OF PARTIES AND PROJECT

This Service Contract is entered into by and between Chemical Waste Management (hereinafter referred to as the Contractor) and the Iowa Department of Natural Resources (hereinafter referred to as the Department) to complete the service, providing proper collection, transportation and disposal of household hazardous wastes as part of Toxic Cleanup Days (hereinafter referred to as the Service).

ARTICLE II. DESIGNATION OF OFFICIALS

2.1 Department. The Director of the Department is the official authorized to execute any changes in the terms, conditions, or amounts specified in this Service Contract. Teresa D. Hay is designated to negotiate on behalf of the Department and, subject to the approval of the Director, make any changes to this Service Contract.

2.2 Contractor. Any officer of Chemical Waste Mangement, is authorized to execute changes in the term, condition or amount specified in the Service Agreement, except that Chemical Waste Management may designate a Project Manager at each collection site who shall be authorized to accept any immediate changes necessary for the efficient operation for the program.

2.3 Key Personnel for Contract.

Teresa D. Hay, Iowa Department of Natural Resources
Stu Schmitz, Iowa Department of Natural Resources
Eric Laut, Chemical Waste Management

ARTICLE III. TIME OF PERFORMANCE

The Contractor shall commence work on this Service Contract on the beginning date and complete Contract tasks by the ending date, as set forth on the title page of this Service Contract under "Time of Performance," unless changed by mutual written agreement.

ARTICLE IV. EXCUSE OF PERFORMANCE

The Department's obligation to deliver and the Contractor's obligation to accept for serving any waste pursuant to this Contract may be suspended by either party in the event of: act of God, war, riot, fire, explosion, accident, flood, sabotage; lack of adequate fuel, power, raw material,

labor, containers, or transportation facilities; compliance with governmental request, laws, regulations, orders or actions; revocation or modification of governmental permits or other required licenses or approvals; breakage or failure of machinery or apparatus; national defense requirements or any other event beyond the reasonable control of such party; labor trouble, strike, lockout or injunction (provided that neither party shall be required to settle a labor dispute against its own best judgment); which event prevents the delivery, transportation, acceptance, treatment, incineration, or disposal of the waste. In the event of one or more of these occurrences, the Time of Performance of this Contract may be extended by mutual written agreement of the parties.

ARTICLE V. STATEMENT OF PURPOSE

This Service Contract is entered into to provide an environmentally sound method of collection, transportation and disposal of household hazardous wastes stored in residences or on farms from specific areas or counties in Iowa.

ARTICLE VI. SCOPE OF WORK

6.1 The Contractor shall provide qualified personnel at each of the Toxic Cleanup Day sites for the identification, segregation, packaging and transportation of hazardous wastes.

6.2 The Contractor shall accept wastes for transportation and disposal from individuals as designated by the representative of the Department at the site. A limit of 220 pounds or 25 gallons of waste will be accepted except as directed by the Department representative. The Contractor shall not accept waste from schools or businesses.

6.3 The Contractor will not be responsible to accept the following wastes:

Compressed gas cylinders, explosives, shock sensitive materials, ammunition, unknowns, radioactive materials, dioxin, kepone, tri-,tetra- and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts (i.e., 2,4,5-T, Silvex, and 2,4,5-TP).

6.4 The Contractor shall transport the wastes from the site within 48 hours of the Toxic Cleanup Day or as soon as possible thereafter.

6.5 A representative of the Department will inform the Contractor before the beginning of each Toxic Cleanup Day the amount of funding allocated to the specific site being serviced. The Contractor will curtail its operations upon the approximation of the allocation limit. The Service may continue if directed by the Department representative on site. If directed to continue Service beyond the original allocation, the Department ~~or~~ will compensate the Contractor for any expenses incurred.

6.6 The Contractor shall be deemed to be the generator for the purpose of federal, state and local laws and regulations, of all wastes accepted at the Toxic Cleanup Days.

6.7 The Contractor shall have a valid Environmental Protection Agency identification number for generation, transportation and storage of hazardous and acutely hazardous wastes and approval for the wastes to be disposed of at EPA and Contractor approved disposal sites.

6.8 The Contractor shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport, storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to the Department delivered to the Department not later than fourteen (14) days prior to the day of collection.

6.9 The title of all wastes accepted by the Contractor at the site shall pass directly from the individual to the Contractor at the time of its acceptance.

6.10 The Contractor shall indemnify, hold harmless and defend the Department from and against any liabilities, claims, penalties, fines, forfeitures, suites, and the costs and expenses incident thereto which may be alleged against the Department or which the Department may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations or orders, to the extent that such damage was caused by the Contractor's negligent, willful or intentional act or omission, breach of contract or a failure of the Contractor's warranties to be true, accurate or complete.

ARTICLE VII. Toxic Cleanup Day Schedule

May 12, 1990	Sioux City
May 12, 1990	Webster City
June 2, 1990	Ottumwa
June 2, 1990	Marshalltown

ARTICLE VIII. REPORTS

8.1 The Contractor shall submit a copy of a final report describing all activities performed and summary of wastes collected. This report shall include information as described in Article V, Scope of Work, and meet all Contractor requirements. Also included in the report shall be information on the amount of waste collected, its disposal destination and disposal method utilized for the particular wastes. The final report shall be submitted no later than fourteen (14) days following the expiration of this Service Contract. Payment for services rendered will be made only after the receipt of the final report.

8.2 The Contractor shall furnish to the Department a detailed and documented description of all costs and expenses for the services within fourteen (14) days following the expiration of this Service Contract.

ARTICLE IX. FUNDING

The Department agrees to pay the Contractor for the Service in accordance with this contract and with the attached cost schedule.

ARTICLE X. PAYMENT

10.1 A final bill for services rendered as part of Toxic Cleanup Days shall be submitted within fourteen (14) days after the expiration of this Service Contract. Final payment will be made only upon receipt of the final report including all information necessary as stated in Article V., Scope of Work.

10.2 The Department shall make payments to the Contractor within forty-five (45) days of receipt of the final bill. If the bill is submitted before receipt of the final report, the forty-five (45) days begins upon receipt of the final report.

10.3 No costs can be incurred before the beginning date or after the ending date as set forth in Time of Performance on the title page.

Ms. Hay stated that staff has completed evaluation of the proposals to conduct Spring Toxic Cleanup Days. She expanded on these proposals and related that staff recommendation is for Chemical Waste Management to do the project. She asked the Commission's approval for same. Ms. Hay stated that the department received a request from Black Hawk County to coordinate their event. She added that they are paying for their own event again this year (to be held on May 19). Polk County will also have an event this fall and they will pay for their own.

Nancylee Siebenmann asked who bears the liability for the collection site claims, if any.

Ms. Hay responded that that kind of situation has never arisen, but she would expect it to be the local community.

Commissioner Siebenmann asked that it be spelled out under 6.8 to clarify that type of liability because it could come back on state government if there was a serious accident at the collection site.

Clark Yeager asked if the sponsoring locale can advertise the event in surrounding counties, as the folks in Ottumwa said they were not allowed to do that.

Ms. Hay explained that advertising in adjacent counties is discouraged but not prohibited. The site selections and costs are based on the county population.

Director Wilson suggested that the department write a letter to Ottumwa and explain that they can advertise if they wish.

Motion was made by William Ehm to approve a contract with Chemical Waste Management to conduct Spring Toxic Cleanup Days in Sioux City, Webster City, Ottumwa, and Marshalltown. Seconded by Richard Hartsuck. Motion carried unanimously.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report

2. Variance Report

3. Hazardous Substance/Emergency Response Report

4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 1990

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Controlling Air Pollution	*4/16/90	*5/16/90	*6/ /90	*6/ /90	*7/ /90	*7/ /90	*8/ /90	*9/ /90
2. Ch. 23 - Asbestos Demolition and Renovation	2/19/90	3/21/90	4/12/90	4/10/90 4/11/90 4/12/90	*5/21/90	*5/21/90	*6/13/90	*7/18/90
3. Ch. 23 - Open Burning/Trees and Tree Trimmings	3/19/90	*4/18/90	*5/ /90	*5/22/90 *5/23/90 *5/24/90	*6/18/90	*6/18/90	*7/11/90	*8/15/90
4. Ch. 25 and 30 - Toxic Air Emissions	4/16/90	*5/16/90	*6/ /90	*6/ /90	*7/ /90	*7/ /90	*8/ /90	*9/ /90
5. Ch. 40, 41 & 43 - Water Supply Surface Water Filtration	*5/21/90	*6/13/90	*7/ /90	*7/ /90	*8/ /90	*8/ /90	*9/ /90	*10/ /90
6. Ch. 60-62 - Water Quality Standards	7/17/89	8/09/89	9/11/89	8/29/89 8/30/89 8/31/89 9/06/89	3/19/90	3/19/90	*4/18/90	*5/23/90
7. Ch. 61 - Water Body Classifications	*5/21/90	*6/13/90	*7/ /90	*7/ /90	*8/ /90	*8/ /90	*9/ /90	*10/ /90
8. Ch. 100, 101 - General Requirements Relating to Solid Waste Disposal	3/19/90	*4/18/90	*5/ /90	*5/08/90	*6/18/90	*6/18/90	*7/11/90	*8/15/90
9. Ch. 100, 102 - Solid Waste Operator Certification	4/16/90	*5/16/90	*6/ /90	*6/5-7/90 *6/11-12/90	*7/ /90	*7/ /90	*8/ /90	*9/ /90
10. Ch. 100, 104, 105 - Compost and Yard Waste	4/16/90	*5/16/90	*6/ /90	*6/5-7/90 *6/11-12/90	*7/ /90	*7/ /90	*8/ /90	*9/ /90
11. Ch. 101.3 - Farm Waste Rules	10/16/89	11/15/89	12/05/89	12/05/89 12/06/89 12/07/89	3/19/90	3/19/90	*4/18/90	*5/23/90
11. Ch. 109 - SW Fees Land Application	3/19/90	*4/18/90	*5/ /90	*5/08/90 *5/09/90 *5/10/90	*6/18/90	*6/18/90	*7/11/90	*8/15/90
12. Ch. 109 - Landfill Alternative Grants	*5/21/90	*6/13/90	*7/ 90	*7/ /90	*8/ /90	*8/ /90	*9/ /90	*10/ /90
13. Ch. 118 - Removal and Disposal of PCBs from White Goods Prior to Processing	1/16/90	2/07/90	*2/12/90	3/14/90 3/15/90 3/16/90	*5/21/90	*5/21/90	*6/13/90	*7/18/90
14. Ch. 119 - Waste Oil	1/16/90	2/07/90	*2/12/90	3/14/90 3/15/90 3/16/90	4/16/90	*4/16/90	*5/15/90	*6/20/90
15. Ch. 121 - Land Treatment of Petroleum Contaminated Soils	4/16/90	*5/16/90	*6/ /90	*6/ /90	*7/ /90	*7/ /90	*8/ /90	*9/ /90
16. Ch. 121 - Land Application of Sludge	*5/21/90	*6/13/90	*7/ /90	*7/ /90	*8/ /90	*8/ /90	*9/ /90	*10/ /90
17. Ch. 135 - LUST Cleanup	2/19/90	3/21/90	4/12/90	4/10/90 4/12/90 *4/13/90	*5/21/90	*5/21/90	*6/13/90	*7/18/90

*Projected

MONTHLY VARIANCE REPORT

Month: March, 1990

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Soil Conservation Project - Harrison County	Air Quality	J.P. Thiesen & Sons, Inc.	Landscape Waste	Approved	03/01/90
2.	Board of Supervisors, 11 Counties of: Boone, Carroll, Dallas, Floyd, Hardin, Jasper, Madison,Sac, Story, Warren & Greene.	Air Quality		Disaster Waste	Approved	03/22/90
3.	Ronald Weber - Buchanan County	Air Quality		Structures	Approved	03/28/90
4.	Boyden, City of	Wastewater Construction	DeWild Grant Reckert & Associates	Pump Clogging Protection	Denied	03/06/90
5.	Ankeny, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Pump Clogging Protection	Approved	03/13/90
6.	Dickinson County	Flood Plain	Erickson Engineers	Freeboard	Approved	03/22/90
7.	River Oaks Development - Dallas County	Watersupply Construction	Butts Engineers	Design Basis	Approved	03/01/90
8.	Solon, City of	Watersupply Construction	Shive-Hattery Engineers	Siting Criteria	Denied	03/13/90

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TOPIC: Report of Hazardous Conditions chemical spills

During the period March 1, 1990 through March 28, 1990, reports of 101 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
03/01/90 POLK	Semi-truck ran over a diesel fuel hose , tearing it from the pump. Approx. 175 gallons of diesel fuel spilled onto the service station lot.	Overnight Transport Co. 5570 N.E. 17th St., D.M., Iowa 50313	Driver applied sand to keep fuel from entering a nearby storm drain. The sand absorbed the fuel, and was placed in drums for proper disposal.
03/26/90 SAC	A 500 gallon diesel fuel storage tank leaked 470 gallons from several pinholes discovered in the bottom. A soil stain measuring 8 x 25 feet was visible.	Cropmate Fertilizer Co. N. Walnut St., Odebolt, Iowa 51458	The tank was removed, and the stained soil was excavated and landfarmed. The soil will be turned over frequently to promote evaporation.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1989

		Substance Type			Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
March	101(50)	72(34)	12(2)	17(14)	69(30)	3(2)	16(12)	2(1)	1(0)	10(5)

Total # of Incidents Per Field Office This Period

01	02	03	04	05	06
17	06	08	07	37	26

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of March 1, 1990 through March 31, 1990, the following number of releases from underground storage tanks were identified.

70 (33)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1989.

PLEASE NOTE: The number of new LUST releases for February, 1990 included 30 sites which had been reported to DNR previously. These sites were added to our LUST data base system in February, 1990 and were inadvertently reported as new LUST sites. The actual number of new LUST sites reported during the period of February 1, 1990 through February 28, 1990 was 65 rather than 95.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Lakota, City of (2)	Drinking Water	Construction Without Permit	Order	3/16/90
Iowa Army Ammunition Plant, Middletown (6)	Solid Waste	Operation Without Permit	Order	3/16/90
Estherville, City of (3)	Wastewater	Discharge Limits	Amended Order	3/16/90
Sioux City, City of (3)	Wastewater	Pretreatment	Order/Penalty	3/16/90
Chicago, Central & Pacific Railroad Co., Waterloo (2)	Wastewater	Monitoring/Reporting	Order/Penalty	3/16/90
Kellogg, City of (5)	Drinking Water	Construction Without Permit	Order/Penalty	3/16/90
Linwood Mining & Minerals Corp., Davenport (6)	Wastewater Solid Waste Air Quality	Prohibited Discharge Open Dumping Emission Standards	Order	3/16/90
J.R. Nylen, Ltd. Sioux City (3)	Solid Waste Air Quality	Open Dumping Open Burning	Referred to AG	3/20/90
Algona, City of (2)	Wastewater	Municipal Improvement Plan	Referred to AG	3/20/90
Wright County Area Landfill Authority (2)	Solid Waste	Cover Violations	Referred to AG	3/20/90
The Dexter Co., Fairfield (6)	Wastewater	Prohibited Discharge Effluent Limitations	Referred to AG	3/20/90
River City Ready-Mix, Inc. Mason City (2)	Air Quality	Construction Without Permit	Referred to AG	3/20/90
Wellendorf Trust and Lamont Wellendorf, Algona (2)	Air Quality Solid Waste	Open Burning Open Dumping	Referred to AG	3/20/90
Stringtown Country Cafe, Lenox (4)	Drinking Water	Monitoring/Reporting-Nitrate	Referred to AG	3/20/90
Mississippi Lounge, Bellevue (1)	Drinking Water	Monitoring/Reporting-Bacteria	Amended Order	3/23/90

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
Soo Line Railroad Company (Mason City)	HC	1,000	8-07-89
Howard R. McKee	SW	1,000	2-29-90
Donald P. Ervin (Ft. Dodge)	SW	1,000	3-05-90
R. J. Kool, Co. (Cedar Rapids)	SW	600	3-23-90
Triggs Trailer Corporation (Belmond)	WS	215	3-26-90
Clayton King & Duane Coe (Mason City)	AQ	380	4-01-90
George J. Heitland (Heitland Const.) (Franklin Co.)	SW	300	4-01-90
East Side Acres (Moville)	WS	600	4-01-90
Sheldahl Water Supply	WS	200	4-09-90
Helle Transport, Inc. (Earlville)	WW	500	4-10-90
Spring Grove Mobile Home Park (Burlington)	WS	200	4-12-90
Leisure Lake Inn (Bernard)	WS	230	4-17-90
Scranton Water Supply	WS	100	4-17-90
Lakewood Utilities (Ft. Dodge)	WS	300	4-23-90
Vern Starling (Boone Co.)	SW	1,000	4-26-90
*Tin Shed (Argyle)	WS	125	4-26-90
Algona Country Club (Algona)	WS	200	4-27-90
Sioux City, City of	WW	1,000	5-21-90
Chicago, Central & Pacific Railroad Co. (Waterloo)	WW	1,000	5-21-90
Kellogg, City of	WS	600	5-22-90

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Gilbert John Fjone (Swaledale)	SW	400	7-04-89
Richard Kleindolph (Muscatine)	SW	500	8-17-89
Robert Fisch (Manchester)	AQ	600	9-01-89
Jeffrey Allen Miller (Shell Rock)	SW	1,000	9-09-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Nozey & Mildred Habhab/John F. Constable (Ft. Dodge)	AQ	1,000	10-17-89
Timber Lake Estates (Swisher)	WS	100	1-01-90
DeWitt Moose Lodge (DeWitt)	WS	200	1-06-90
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Stringtown Country Cafe (Lenox)	WS	200	2-01-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
River City Ready-Mix, Inc. (Mason City)	AQ	400	2-19-90

*On Payment Schedule

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Paul Klorberdanz d/b/a The Mart (Danville)	UT	1,000
Circle Hill Farms, Ltd. (Ellsworth)	SW	600
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Monty Branstad (Leland)	AQ	400
Craig Natvig (Cerro Gordo Co.)	SW	750
Manson Water Supply	WS	500
Ruth Ann Coe (Mason City)	AQ/SW	1,000
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
James R. Morrow, d/b/a Morrow Sawmill (Wayland)	AQ/SW	1,000
Holiday Lake Water System Ltd. (Brooklyn)	WS	700
Rasch Construction, Inc. (Ft. Dodge)	AQ	1,000
American Meat Protein Corp. (Lytton)	WW	1,000
Fred Calabro (Pottawattamie Co.)	SW	1,000
Victor Carlson (Ft. Dodge)	AQ	1,000
Lytton, City of	WW	1,000
College Springs Water Supply	WS	600
Gerald Reimer (Clayton County)	SW	600
Louisa Courts (Muscatine)	WS	400
Robert E. Zezulka (Allamakee Co.)	SW	1,000
Earlville, City of	WW	500
Orchard, City of	WW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux By-Products Co. (Sioux City)	AQ	500
Pla-Mor Bowl of Iowa Falls, Inc. (Iowa Falls)	WS	200
Hampton Country Club (Hampton)	WS	100
Twin County Dairy (Kalona)	WW	1,000
Glenn C. Sevick (Mason City)	SW	400
Elberon Water Supply	WS	100
Mississippi Lounge (Bellevue)	WS	125
*Tin Shed (Argyle)	WS	125
	TOTAL	$2,550

*On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt.	12/16/82 02/26/87 03/05/87 02/26/88 03/11/88 04/04/89
Algona, City of (2)	New	Wastewater	Municipal Improvement Plan	Order	Referred	03/20/90
Amoco Oil Co. Stuart (4)	Updated	Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Referred back to DNR	06/21/89 01/29/90
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	02/16/88
Bell Watcher, Inc., Poweshiek Co. (5)	Updated	Wastewater	Operational Violations	Referred to Attorney General	Referred Petition Filed	09/20/89 03/13/90
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed	11/20/89 03/03/90
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order	Referred Default Judgment $7500 Second Lawsuit Filed Consent Decree Filed New Case	02/20/87 06/22/87 08/07/88 08/23/88 11/01/88
Carolan, Don & Hanson Tire Service, Cresco (1)		Solid Waste Air Quality	Open Dumping Open Dumping	Referred to Attorney General	Referred	02/20/90
CARP vs. DNR	New	Wastewater	IBF Permit	Amended Permit	Suit Filed Dismissed Order Granting Reinstatement	1988 01/01/90 03/27/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Oper Dumping	Order/Penalty	Referred	09/20/89
Clinton Pallet Co. Clinton (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	06/21/89 11/09/89
Cooper, Kenneth/Hunter Oil Winburn (5)	Updated	Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment	08/17/88 02/ /90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	06/22/88 08/11/88 04/21/89 06/14/89 10/04/89
Dexter Co., The Fairfield (6)	New	Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred	03/20/90
DeWitt Moose Lodge Dewitt (6)		Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	02/20/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitation Operation Violation	Order	Referred	02/20/90
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred	12/11/89
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	06/21/89 07/24/89
Ellsworth, City of (2)		Wastewater	Discharge Limits	Order	Referred	04/18/89
Robert Fisch Manchester (1)		Air Quality	Open Burning	Order/Penalty	Referred Motion for Summary Judgment Judgment for $600	10/24/89 12/05/89 02/27/90
Gilbert Fjone Swaledale (2)		Solid Waste	Oper Dumping	Order/Penalty	Referred	10/24/89
Arthur & David Gross West Union (1)		Flood Plain	Construction Without Permit	Order/Penalty	Referred Penalty Paid	11/20/89 02/02/90
Habbab, Mozey et.al., Fort Dodge, (2)		Air Quality	Open Burning	Order/Penalty	Referred	01/17/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred	11/20/89
Iben, Fred Monticello (1)		Solid Waste	Open Dumping	Order	Referred	11/20/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 1990

Name, Location and Regior Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Kinsinger, Vernon Kalona (1)	Updated	Solid Waste Air Quality	Oper Dumping Oper Burning	Order/Penalty	Referred Administrative Penalty Paid Trail Set Trial Continued	01/24/89 02/23/89 03/27/90 03/23/90
Richard Kleindolph Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Lakesbore Drive, Inc. et.al. Osceola (5)	Updated	Flood Plain	Reconstruction	Order	Referred Petition Filed	11/20/89 02/07/90
Land O'Lakes, Inc. Ellsworth (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	09/20/89 11/30/89
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Lehigh Clay Products, et.al. Lehigh (2)		Hazardous Condition	Remedial Action	Order	Referred Petition Filed Consent Decree ($1,000)	09/20/89 12/01/89 02/21/90
Lynnville, City of (5)	Updated	Wastewater	Monitoring/Reporting	Referred to Attorney General	Referred Consent Decree ($1,000)	01/17/90 03/09/90
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to AG	Referred	02/20/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Jeffrey Aller Miller Shell Rock (2)		Air Quality	Open Burning	Order/Penalty	Referred Close (can't locate)	10/24/89 02/ /90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/11/89
Moser, Stan		Solid Waste	Oper Dumping	Referred to Attorney General	Referred Petition Filed Trial Set Court Order	07/19/89 09/12/89 03/15/90 01/24/90
National Environmental Preservation Ass'n vs. IDNR	Updated	Solid Waste	Suit to enjoin SWA's	Issued SWA's	Suit Filed DNR Motion for More Specific Statement Amended Petition DNR Motion	01/30/90 02/16/90 02/26/90 03/08/90
J.R. Nylan, Limited Sioux City (3)	New	Solid Waste Air Quality	Open Dumping Open Burning	Referred to Attorney General	Referred	03/20/90
Regional Environmental Improvement Commission in Iowa County (6)		Solid Waste	Operational Violations	Referred to Attorney General	Referred	01/17/90
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred Suit Filed Default Judgment Close (judgment proof)	08/17/88 12/30/88 03/06/89 02/ /90
River City Ready-Mix, Inc., Mason City (2)	New	Air Quality	Construction Without Permit	Order/Penalty	Referred	03/20/90
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	08/23/89
Schaap, Darla Sioux Center (3)		Solid Waste	Oper Dumping	Order/Penalty	Referred	02/20/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Oper Dumping	Referred to Attorney General	Referred	09/20/89
Glenn Sevick Mason City (2)	Updated	Solid Waste	Oper Dumping	Order/Penalty	Referred Petition Filed Penalty Paid ($400)	10/24/89 12/19/89 03/02/90
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	09/20/89
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred	02/20/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Oper Burning	Referred to Attorney General	Referred Suit Filed	09/20/89 10/17/89
Stringtown Country Cafe, Lenox (4)	New	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	Referred	03/20/90
Timber Lake Estates, Swisher (6)		Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	02/20/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	06/21/89
Turner, Ken Ft. Madison (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed	06/21/89 09/13/89
Walterman Implement, Inc. (2)		Underground Tank	Failure to Register	Referred to Attorney General	Referred	02/20/90
Wellendorp Trust and Lamont Wellendorf, Algona (2)	New	Air Quality Solid Waste	Open Burning Open Dumping	Order/Penalty	Referred	03/20/90
Wiltgen Construction Co. Calmar (1)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Consent Decree	11/20/89 01/12/90 05/23/90
Wright County Area Landfill Authority (2)	New	Solid Waste	Cover Violations	Order Penalty	Referred	03/20/90
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed Trial Held Judgment for Department Court of Appeals Affirmed Judgment Further Review Denied Contempt Hearing Rescheduled	12/18/84 07/12/85 10/85 6/16/87 8/18/87 11/29/88 02/06/89 09/29/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delweir Soil Service	Administrative Order	WW	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Settlement proposed. Consent order prepared.
12-03-86	City of Waukee	Administrative Order	WS	Hansen	Construction completed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Stipulation filed.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	SW	Landa	Compliance actions completed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase II completed. Report submitted.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Appealed to Supreme Court.
4-13-88	Land O'Lakes, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Compliance achieved/Settlement proposed.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued pending settlement discussions.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Compliance initiated/Plans submitted/reviewed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Compliance initiated/Plans submitted/reviewed
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Hearing set for April 25, 1990.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Hoyer	Site Registry	HW	Landa	Hearing continued/Settlement proposed.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Negotiating before filing.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Hearing continued/settlement proposed.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Briefing completed.
5-01-89	Amoco Oil Company - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-06-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-06-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued/Discovery initiated.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-08-89	Lehigh Portland Cement Co.	Site Registry	MW	Landa	Hearing continued/Discovery initiated.
6-08-89	Jay Winders	Permit Denial	FP	Clark	Settlement proposed.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	MW	Hansen	Facility plan submitted for SAF.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Hearing held.
7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Settlement pending.
7-19-89	Lehigh Portland Cement Co.	Administrative Order	HC	Landa	Settlement discussions initiated.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Negotiating before filing.
7-26-89	Midland Brick	Administrative Order	AQ	Landa	Compliance initiated.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Settlement pending.
9-09-89	Monsanto	Site Registry	HC	Landa	Settlement proposed.
10-12-89	Electro-Coatings, Inc.	Administrative Order	HC	Landa	Settlement proposed.
10-16-89	Monty Branstad	Administrative Order	AQ	Kennedy	Settled.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Association	Site Registry	HC	Landa	Negotiation proceeding.
10-26-89	Craig Natvig	Administrative Order Flood Plain	SW	Kennedy	Decision appealed to EPC.
10-30-89	Burlington Northern Railroad Co.	Site Registry	HC	Landa	Settled.
10-31-89	Peabody International Corp.	Administrative Order	HC	Landa	Settled.
11-01-89	Sam Levine/Morris Levine	Site Registry	HC	Landa	Negotiating before filing.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-15-89	Alcoa	Site Registry	HC	Landa	Hearing continued.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance initiated.
11-27-89	Manson, City of	Administrative Order	WS	Hansen	Negotiating before filing.
12-11-89	Leo Schaebtner	Flood Plain Permit Issuance	FP	Clark	Negotiating before filing.
12-12-89	Henry Ketelsen	Administrative Order	UT	Landa	Settlement proposed.
12-21-89	Robert Coppinger and Velma Mehman	Flood Plain Permit Denial	FP	Clark	Hearing set for 5/02/90.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-03-90	Victor Carlson	Administrative Order	AQ	Clark	Sent to DIA.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1/08-90	Northwestern State Portland Cement Co.	Permit Amendment	MW	Landa	Sent DIA.
1-10-90	Ruth Ann Coe	Administrative Order	AQ SW	Kennedy	Sent to DIA.
1-18-90	Midland Fly Ash and Materials	Permit Variance Denial	SW	Landa	Hearing set for 8/7/90.
2-06-90	Merle W. Chaplin	Water Use Permit	WR	Clark	Appeal withdrawn.
2-07-90	Jerry Jones	401 Denial	MW	Murphy	Negotiating before filing.
2-12-90	James Richard & Francis Morrow d/b/a Morrow	Administrative Order	AQ SW	Clark	Negotiating before filing.
2-13-90	Kenneth M. Rasch, d/b/a Rasch Construction, Inc.	Administrative Order	AQ	Kennedy	Negotiating before filing.
2-15-90	Holiday Lake Water System, Ltd.	Administrative Order	WS	Hansen	Negotiating before filing.
2-15-90	Fred Calabro	Administrative Order	SW	Kennedy	Sent to DIA.
2-19-90	American Meat Protein Corp.	Administrative Order	MW	Hansen	Hearing set for 5/3/90.
2-28-90	Lytton, City of	Administrative Order	MW	Hansen	Sent to DIA.
3-05-90	Gerald Reimer	Administrative Order	SW	Kennedy	Negotiating before filing.
3-05-90	College Springs, City of	Administrative Order	WS	Hansen	Negotiating before filing.
3-05-90	Earlville, City of	Administrative Order	WS	Clark	Negotiating before filing.
3-12-90	Louisa Courts	Administrative Order	WS	Hansen	Hearing set for 5/9/90.
3-14-90	Robert E. Zezulka	Administrative Order	SW	Kennedy	Negotiating before filing.
3-19-90	Loretta June Novak	Administrative Order	UT	Landa	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Sent to DIA.
3-27-90	Orchard, City of	Administrative Order	MW	Hansen	Negotiating before filing.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 25 AMENDMENT AND NEW CHAPTER 30, TOXIC AIR POLLUTANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to amend Chapter 25, "Measurement of Emissions," and adopt a new Chapter 30, "Control of Toxic Air Pollutants."

The new chapter 30 sets forth comprehensive requirements for control of toxic air pollutants from new and existing sources. Existing sources that exceed a risk level of 1 in 100,000 for carcinogens or threshold limit value/100 for noncarcinogens must apply Best Available Control Technology (BACT). New or modified existing sources must apply BACT and, if necessary, additional emission controls to reduce the risk from residual emissions to less than 1 in 100,000 (carcinogens) and maximum projected ambient concentration below threshold limit value/100 (noncarcinogens).

The list of options that was included as a separate document in the last agenda has been incorporated into the preamble of the attached Notice of Intended Action so that the public may comment on the options. One option was added to the list concerning a three-year exemption from regulation for electric steam generating units.

Also, changes to the last draft Notice of Intended Action include the addition of definitions of ambient air and modification and a correction of the CAS number for Chromium (VI) in the list of carcinogens.

The Commission is requested to approve the Notice of Intended Action to receive public comment on these rules.

(Notice of Intended Action is shown on the following 18 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to Iowa Code section 455B.133, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 25, "Measurement of Emissions," and a new 567--Chapter 30, "Control of Toxic Air Pollutants."

In accordance with Iowa Code subsections 455B.133(1) and (4), the Commission is authorized to develop plans and programs for the abatement, control, and prevention of air pollution. The plans may include emission limitations, schedules and timetables for compliance with the limitations. The Commission may adopt emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. In accordance with this authority the Commission proposes to adopt a new Chapter 30 which sets forth comprehensive requirements for control of toxic air pollutants from new and existing sources.

Owners and operators of sources exempt from these requirements include sources subject to the National Emission Standards for Hazardous Air Pollutants, gasoline dispensing facilities other than gasoline bulk plants and terminals, dry cleaning facilities, laboratory equipment, residences and equipment used for cultivating land, harvesting crops or raising livestock.

The Commission proposes to regulate sources of air emissions which are carcinogens and noncarcinogenic toxic air pollutants in the following manner:

Owners and operators of new and modified existing sources of carcinogens must apply, at a minimum, best available control technology for toxics and, if necessary, additional emission controls to reduce the risk from residual emissions to less than one in 100,000. To demonstrate compliance with this risk level an air quality impact evaluation must be submitted to the Department.

Owners and operators of existing sources of carcinogens that do not comply with a risk level of one in 100,000 must apply best available control technology for toxics.

Owners and operators of new and modified existing sources of noncarcinogenic toxic air pollutants must apply, at a minimum, best available control technology for toxics and, if necessary, additional emission control to reduce the maximum predicted 24-hour ambient concentration of the toxic air pollutant below 1/100 of the threshold limit value - time weighted average. If a ceiling threshold limit value or short-term exposure limit is available, 1/100 of that value cannot be exceeded on a one hour basis.

Owner and operators of existing sources of noncarcinogenic toxic air pollutants that do not comply with a maximum predicted 24-hour ambient concentration of the toxic air pollutant of 1/100 of the threshold limit value - time weighted average or 1/100 of the ceiling threshold limit value or short-term exposure limit, if available, evaluated on a one-hour basis must apply best available control technology for toxics.

Upon notification by the Department, owners and operators of existing sources will have nine months to submit either a written demonstration of compliance or an emission reduction program that will assure that the source will achieve compliance as expeditiously as possible. The program must include a detailed final control plan and a schedule with certain increments for achieving compliance.

A provision of the rules states that the director may require that the owner or operator of a source of toxic air pollutants test demonstrate compliance. In this regard the Commission proposes to adopt an amendment to subrule

567--25.1(7) which shall apply to the regulation of air contaminant sources generally and which provides for the testing of air contaminant sources.

Owners and operators of industrial and commercial operations, manufacturing operations, and other sources of toxic air pollutants will be affected by these rules. For new emissions sources the requirements for obtaining a permit remain essentially the same under these new rules as under the existing rules. For existing sources required to modify or add emission control equipment to comply with these rules, a permit must be obtained. In many cases additional control equipment, beyond current rule requirements, may be necessary.

Some of these sources of toxic air pollutants may be small businesses and may be impacted economically.

The Department will conduct nine public hearings to receive comments on these proposed rules and rule amendments. They will be held at the following times and places: at 1 p.m. on June 6, 1990, in the Council Chambers, City Hall, 401 6th Street, Sioux City, Iowa; at 10:30 a.m. on June 8, 1990, in City Hall, 19 South Delaware, Mason City, Iowa; at 10 a.m. in Gold Room, University of Iowa, Oakdale Campus, Oakdale Hall, Oakdale, Iowa (Exit 240, I-80 to Highway 965); at 1 p.m. in the Auditorium, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa; at 1 p.m. on June 13, 1990, in the Community Hall, 205 South Main Street, Council Bluffs, Iowa; at 10:30 a.m. on June 15, 1990, in the Court Room, City Hall, 105 East Third Street, Ottumwa, Iowa; at 1 p.m. on June 19, 1990, in the Public Library, 11th & Bluff Streets, Dubuque, Iowa; at 10 a.m. on June 20, 1990, in the City Hall, 611 South Third Street, Clinton, Iowa; and at 1 p.m. on June 22, 1990, in the Council Chambers, City Hall, 215 Sycamore, Muscatine, Iowa.

Persons wishing to make written suggestions or comments concerning this proposal should submit them to Rexford Walker, Air Quality Section, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, (Fax #515 281-8895) through June 22, 1990.

The Commission specifically seeks comments on the nine options for air toxic rules which are discussed below and which have been considered as part of this rulemaking action. Comments on other aspects of the rules are also welcome.

OPTIONS FOR AIR TOXICS RULES

1. Best Available Control Technology (BACT) is required for any source emitting a toxic air pollutant.

Because of the nature of air toxics - an air pollutant which causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness - it is sound management to not allow uncontrolled emissions of air toxics but to apply best available control.

Because scientists have not been able to determine safe levels of exposure to substances like carcinogens and mutagens, it is also sound management to maintain human exposure at levels which are as low as reasonably achievable. This is also good practice because scientists have not been able to account for the synergism of exposure to multiple air toxics.

By requiring BACT of air toxic sources, there is some compensation for the additive effect of more than one facility emitting the same toxic air pollutant in the same general area.

The real cost of emitting air toxics should be born by the facilities in providing emission control rather than the people who are exposed to those emissions having to pay for health care resulting from exposure to those emissions.

The economics of each control technology are one aspect in the evaluation and determination of BACT.

Application of emission control on existing facilities is frequently more costly because of space or structural limitations.

2. BACT is required for only new and modified existing sources of toxic air pollutants. No regulation of existing sources is required.

There are existing facilities with high health risks associated with their toxic air emissions. This option would not address those facilities.

SARA 313 reporting has galvanized public concern about toxic air emissions from existing sources in Iowa. This option would not address their concern.

Existing sources would be saved the cost of installation of emission control equipment.

3. The criteria for evaluation of emissions of carcinogens is a maximum individual risk of one excess cancer in a one million population.

Because scientists have not been able to determine safe levels of exposure to carcinogens, it is sound management to maintain human exposure at levels which are as low as reasonably achievable.

A maximum individual risk level of one excess cancer in a one million population is generally accepted as a negligible risk level.

Some carcinogens are so potent that some facilities that emit them may have difficulty reducing their emissions to this level of risk.

4. The criteria for evaluation of emissions of carcinogens is a maximum individual risk of one excess cancer in a ten thousand population (one hundred in one million).

This risk level is generally considered too high by other state and local programs regulating toxic air pollutants. Louisiana is the only state that is currently using this criteria.

5. BACT is required for new and modified existing sources of toxic air pollutants with no evaluation of the impact of residual emissions.

Application of BACT does not guarantee that the residual toxic air emissions are at levels considered protective of human health or the environment.

Those facilities whose residual emissions would not meet the risk level or threshold limit value/100 criteria would not be required to take additional measures to reduce their emissions such as invest in additional emissions control or increased stack height or would not have to reduce hours of operation.

6. BACT is required for all sources of toxic air pollutants with a requirement that residual emissions must comply with a maximum individual risk of one in one million.

See discussions under options 1 and 3.

7. BACT is required for all sources of toxic air pollutants with a requirement that residual emissions must comply with a maximum individual risk of one in ten thousand.

See discussions under options 1 and 4.

8. All existing sources are required to submit either a written demonstration of compliance or an emission reduction program within nine months of the effective date of these rules.

Requiring all existing sources to meet the same time deadline does not allow any unfair competitive advantage to sources which might not be required to take any action for several years.

With existing staffing, there would be a backlog of plans/emission reduction programs. The plans/emission reduction programs may become out-of-date before Department action on the plans/emission reduction programs occurs.

9. Electric steam generating units are exempt from regulation of air toxics for three years pending completion of a federal study of these emissions.

This would be consistent with proposed language to be included in the reauthorization of the federal Clean Air Act.

The following amendments are proposed:

ITEM 1. Rescind subrule 567--25.1(7) and replace it with the following:

567--25.1(7) Tests by owner. The owner of new or existing equipment or the owner's authorized agent shall conduct tests to determine compliance with applicable regulations in accordance with these requirements.

a. General - The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than fifteen (15) days before a test is performed to determine compliance with applicable regulations of chapter 23 or 30 or a performance evaluation of any required continuous monitor. Such notice shall include, at a minimum, the time, the place, and the name of the person who will conduct the tests. Unless specifically waived by the department, a pretest meeting shall be held not later than fifteen (15) days prior to conducting the compliance demonstration. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report within six weeks of the completion of the testing.

b. New equipment - Unless otherwise specified by the department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements with chapter 23 shall be conducted within sixty (60) days of achieving maximum production but no later than one hundred eighty (180) days of startup. Tests conducted to demonstrate compliance with the requirements of chapter 30 shall be conducted within thirty (30) days of startup.

c. Existing equipment - The director may require the owner or the owner's authorized agent to conduct a compliance demonstration test of any equipment if the director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health and/or ambient air quality of an area. The director shall provide the owner or agent not less than thirty (30) days to perform the compliance demonstration and shall provide written notice of the requirement.

ITEM 2. Amend subrule 25.1(9) by adding the following unnumbered paragraph:

Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of Chapter 30 will be those approved by the director.

ITEM 3. Add the following new Chapter 30, "Control of Toxic Air Pollutants" as follows:

Chapter 30
Control of Toxic Air Pollutants

30.1(1) Applicability. Unless exempted in subrule 30.1(2), no person shall discharge or cause or allow the discharge of emissions of toxic air pollutants, except in conformity with the provisions of this chapter.

30.1(2) Exemptions. The provisions of this chapter shall not apply to the following except for equipment installed to abate or eliminate a hazardous condition:

a. Emissions regulated by subrule 23.1(3)(455B) (National Emission Standards for Hazardous Air Pollutants).

b. Gasoline dispensing facilities other than gasoline bulk plants and terminals.

c. Dry cleaning facilities.

d. Laboratory equipment used for chemical or physical analysis or experimentation.

e. Residences.

f. Equipment or control equipment described in paragraph 22.1(2)"d".

567--30.2 Definitions.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Ambient air does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

"Best available control technology for toxics" (T-BACT) means an emission limitation based on the maximum degree of reduction of each toxic air pollutant which the department determines, on a case-by-case basis, is achievable for such facility through application of production processes and available methods, systems, and techniques, taking into account the potency and toxicity of each toxic air pollutant discharged as well as energy, environmental and economic impacts and other costs.

"Carcinogen" means any substance listed in Table 1.

Table 1

Carcinogen	CAS Number	Unit Risk Factor*
Acetaldehyde	75-07-0	2.2 in 1,000,000
Acrylamide	79-06-1	1.3 in 1,000
Acrylonitrile	107-13-1	6.8 in 100,000
Aldrin	309-00-2	4.9 in 1,000
Arsenic, inorganic	7440-38-2	4.3 in 1,000
Asbestos	1332-21-4	2.3 in 10**
Azobenzene	103-33-3	3.1 in 100,000
Benzene	71-43-2	8.3 in 1,000,000
Benzidine	92-87-5	6.7 in 100
Benzo(a)pyrene (BaP)	50-32-8	1.7 in 1,000
Beryllium	7440-41-7	2.4 in 1,000
Bis(chloroethyl)ether (BCEE)	111-44-4	3.3 in 10,000
Bis(chloromethyl)ether (BCME)	542-88-1	6.2 in 100
1,3-Butadiene	106-99-0	2.8 in 10,000
Cadmium	7440-43-9	1.8 in 1,000
Carbon tetrachloride	56-23-5	1.5 in 100,000
Chlordane	57-74-9	3.7 in 10,000
Chloroform	67-66-3	2.3 in 100,000
Chloromethane	74-87-3	1.8 in 1,000,000

Chromium (VI)	18540-29-9	1.2 in 100
Coke oven emissions	8007-45-2	6.2 in 10,000
1,2-Dibromoethane	106-93-4	2.2 in 10,000
p,p'-Dichlorodiphenyl-trichloroethane (DDT)	50-29-3	9.7 in 100,000
1,2-Dichlorethane	107-06-2	2.6 in 100,000
1,1-Dichloroethylene	75-35-4	5.0 in 100,000
Dichloromethane	75-09-2	4.7 in 10,000,000
Dieldrin	60-57-1	4.6 in 1,000
1,2-Diphenylhydrazine	122-66-7	2.2 in 10,000
Epichlorohydrin	106-89-8	1.2 in 1,000,000
Ethylene dibromide	106-93-4	2.2 in 10,000
Ethylene oxide	75-21-8	1.0 in 10,000
Formaldehyde	50-00-0	1.3 in 100,000
Gasoline (marketing)	8006-61-9	6.6 in 10,000,000
Heptachlor	76-44-8	1.3 in 1,000
Heptachlor epoxide	1024-57-3	2.6 in 1,000
Hexachlorobenzene	118-74-1	4.9 in 10,000
Hexachlorobutadiene	87-68-3	2.2 in 100,000
alpha-Hexachlorocyclohexane (alpha-HCH)	319-84-6	1.8 in 1,000
beta-Hexachlorocyclohexane (beta-HCH)	319-85-7	5.3 in 10,000
technical Hexachlorocyclohexane (t-HCH)	608-73-1	5.1 in 10,000
Hexachlorodibenzo-p-dioxin, mixture (HxCDD)	19408-74-3	1.3 in 1,000,000***
Hexachloroethane	67-72-1	4.0 in 1,000,000
Hydrazine/Hydrazine sulfate	302-01-2	4.9 in 1,000
Nickel refinery dust	7440-02-0	2.4 in 10,000
Nickel subsulfide	12035-72-2	4.8 in 10,000
N-Nitroso-di-n-butylamine	924-16-3	1.6 in 1,000
N-Nitrosodiethylamine	55-18-5	4.3 in 100
N-Nitrosodimethylamine	62-75-9	1.4 in 100
N-Nitrosopyrrolidine	930-55-2	6.1 in 10,000
Propylene oxide	75-56-9	3.7 in 1,000,000
Styrene	100-42-5	5.7 in 10,000,000
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	3.3 in 100,000***
1,1,1,2-Tetrachloroethane	630-20-6	7.4 in 1,000,000
1,1,2,2-Tetrachloroethane	79-34-5	5.8 in 100,000
Tetrachloroethylene	127-18-4	5.8 in 10,000,000
2,4,6-Trichlorophenol	88-06-2	5.7 in 1,000,000
Toxaphene	8001-35-2	3.2 in 10,000
1,1,2-Trichloroethane	79-00-5	1.6 in 100,000
Trichloroethylene	79-01-6	1.7 in 1,000,000
Vinyl chloride	75-01-4	4.1 in 1,000,000

* per mg/m^3
** per fibers/ml
*** per pg/m^3

"CAS number" means a unique numeric code assigned to substances by the Chemical Abstract Service Division of the American Chemical Society.

"Existing stationary source of toxic air pollutants" means an installation or source constructed before _____, or for which the department issued an air construction permit before _____.

"Modification" means any physical change to equipment or control equipment or any operational change which results in a change in emissions of toxic air pollutants. This may include an increase in production rate, an increase in hours of operations, or use of an alternate fuel or raw material.

"Noncarcinogenic toxic air pollutant" means any substance listed in the chemical substances portion of the American Conference of Governmental Industrial Hygienists (ACGIH) -"Threshold Limit Values and Biological Exposure Indices for 1989-1990." If a substance is listed in both Table 1 and the ACGIH document, Table 1 prevails. The following substances are excluded: acetylsalicylic acid, carbon dioxide, carbon monoxide, calcium carbonate, calcium sulfate, cellulose, coal dust, cotton dust, grain dust, kaolin, lead, nitrogen dioxide, nitrous oxide, ozone, particulates not otherwise classified, portland cement, rouge, soapstone, starch, sucrose, sulfur dioxide, and wood dust.

"Threshold limit value" (TLV) means the airborne concentration of a substance that, according to the American Conference of Governmental Industrial Hygienists (ACGIH), represents conditions to which nearly all workers may be exposed without adverse effect and that is published in "TLVs, Threshold Limit Values and Biological Exposure Indices for 1989-1990." TLV includes the following:

(a) "Ceiling TLV" (TLV-C) means a concentration that ACGIH indicates should not be exceeded even instantaneously in a workplace.

(b) "Short-term exposure limit" (TLV-STEL or STEL) means a 15-minute time-weighted average concentration that ACGIH indicates should not be exceeded at any time during a work day.

(c) "Threshold limit value-time weighted average" (TLV-TWA) means a time weighted average concentration recommended by ACGIH for a normal eight-hour workday and 40-hour workweek to which nearly all workers may be repeatedly exposed, day after day, without adverse effect.

"Toxic air pollutant" means an air pollutant for which no applicable ambient air quality standard has been adopted and, which in the judgment of the director, causes or contributes to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. In reaching this judgment the director will take into account the air pollutant's quantity, concentration or physical or chemical characteristics.

"Unit risk factor" means an estimate of the lifetime cancer risk occurring in a hypothetical population in which all individuals are exposed continuously from birth throughout a seventy-year life span to a concentration of one microgram per cubic meter of the toxic air pollutant in the air they breathe. Unit risk factors are listed in Table 1.

567--30.3 Permit and public participation.

30.3(1) Permit required. As provided in rule 22.1 (455B), no person shall construct, install, reconstruct or alter any equipment or control equipment without first obtaining a permit.

30.3(2) Notice and public participation in the permit process.

a. The department shall make a preliminary determination to issue or deny a permit as described in Chapter 22 (455B) in advance of the public notice of 30.3(2)"b". If the preliminary determination is to issue the permit, the

department shall prepare a draft permit. The draft permit shall include the following:

(1) Emission limitations for those pollutants to be limited.

(2) If necessary, a proposed schedule of compliance, including interim dates and requirements, for meeting the emission limitations and other permit requirements.

(3) Any other special conditions.

b. A notice of intent to issue a permit shall be published by the department in a newspaper having general circulation in the area affected by the emissions of the proposed source. The notice, draft permit and a fact sheet shall be made available for public inspection upon request from the department's central office. Publication of the notice shall be made at least 30 days prior to issuing a permit and shall include the department's evaluation of ambient air impacts. The public may submit written comments or request a public hearing. If the response indicates significant interest, a public hearing may be held after due notice.

567--30.4 Control of toxic air pollutants from new stationary sources and modifications of existing stationary sources.

30.4(1) Best available control technology required. For each toxic air pollutant emitted by a new or modified stationary source, the owner or operator shall, at a minimum, apply best available control technology for toxics. (T-BACT)

30.4(2) Control of residual emissions--carcinogens. If the application of T-BACT is not sufficient to reduce residual risk (maximum individual risk) to less than one in 100,000, then additional emission reduction may be required to comply with this risk level.

a. Calculation of risk will involve the use of a unit risk factor developed by the U.S. Environmental Protection Agency. These unit risk factors are listed in Table 1.

b. The owner or operator must submit an air quality impact evaluation which shall demonstrate that the emissions from the source, in conjunction with emissions from all other sources at that facility, comply with this subrule. This evaluation shall include air quality modeling performed in accordance with EPA's document "Guidelines on Air Quality Models (Revised)," as adopted by reference in subrule 22.4(1)(455B), or other methods determined by the director to be reliable.

30.4(3) Control of residual emissions--noncarcinogenic toxic air pollutants. If the application of T-BACT is not sufficient to reduce the predicted maximum ambient 24-hour concentration of the toxic air pollutant below 1/100 of the threshold limit value-time weighted average, then additional emission reduction may be required to comply with this level. If a ceiling threshold limit value or short-term exposure limit is cited in lieu of, or in addition to, the threshold limit value-time weighted average, 1/100 of that value shall not be exceeded on a one hour basis. The owner or operator of a source must submit an air quality impact evaluation, as described in paragraph 30.4(2)"b", to demonstrate that the emissions from the source, in conjunction with emissions from all sources at that facility, comply with this subrule.

567--30.5 Control of toxic air pollutants from existing stationary sources.

30.5(1) Requirements for owners or operators of existing sources emitting carcinogens. The owners of operators of existing stationary sources that emit

one or more carcinogens that do not comply with a maximum individual risk of one in 100,000 must apply best available control technology for toxics.

a. Calculation of risk will involve the use of a unit risk factor developed by the U.S. Environmental Protection Agency. These unit risk factors are listed in Table 1.

b. The owner or operator must submit an air quality impact evaluation which shall demonstrate that the emissions from the source, in conjunction with emissions from all other sources at that facility, comply wiht this subrule. This evaluation shall include air quality modeling performed in accordance with EPA's document "Guidelines on Air Quality Models (Revised)," as adopted by reference in subrule 22.4(1)(455B), or other methods determined by the director to be reliable.

30.5(2) Requirements for existing sources emitting noncarcinogenic toxic air pollutants. Owners or operators of existing stationary sources that emit one or more noncarcinogenic toxic air pollutants that do not comply with a maximum predicted 24-hour ambient concentration of the toxic air pollutant of 1/100 of the threshold limit value - time weighted average or 1/100 of the ceiling threshold limit value or short-term exposure limit, if available, evaluated on a one-hour basis must apply best available control technology for toxics.

30.5(3) Submission of compliance program. Upon notification by the department, owners or operators of existing stationary sources subject to subrule 567--30.5(1) or 30.5(2), or both, must, within nine months of the departmental notification submit either:

a. A written demonstration of compliance with subrule 30.5(1) and (2); or

b. An emission reduction program that will assure that the source achieves compliance as expeditiously as possible. This emission reduction program shall include a detailed final control plan and a schedule for the installation of pollution control devices or the replacement or alteration of specified facilities in such a way that emissions of toxic air pollutants are reduced to comply with the emission standard specified in this rule. The schedule must include, as a minimum, the following four increments of progress:

(1) The date by which contracts will be awarded for emission control systems or process modification or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modifications.

(2) The date of initiation of on-site construction or installation of emission control equipment or process change.

(3) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.

(4) The date by which final compliance is to be achieved.

30.5(4) Action. The director shall approve the plans specified in subrule 30.5(3) if the plans are determined to be adequate and reasonable. The owner or operator of a source with an approved program will not be considered to be in violation of rule 30.5.

a. The decision of the director to disapprove a program is final unless appealed to the commission within 30 days of receipt of the decision by the applicant. The procedures of the appeal are governed by 567--Chapter 7(455B).

b. Each person responsible for an approved program shall make periodic written progress reports to the department, as specified by the department.

567--30.6 Compliance - continued demonstration.

The director may require the owner or operator of any source of toxic air pollutants to demonstrate compliance pursuant to subrule 567--25.1(7).

567--30.7 Variances. A person may apply for a variance from the applicable rules or standards specified in this chapter. The procedures for variances are governed by rule 567--21.2(455B).

_____

Larry J. Wilson, Director

_____

Date

(A:EP30.MIN/088-90/dkr)

BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT
TOXIC AIR POLLUTANTS PROVISIONS

Lists 200 toxic air pollutants to be regulated.

EPA to establish source categories for standard adoption.
- Only sources emitting > 10 ton of pollutant or > 25 ton combined are regulated.

EPA to adopt standards for MACT for each source category.
- Promulgation within 2, 3, 5, & 10 years of enactment.

Compliance with MACT within 3 years of adoption.
- MACT not required if source poses < 10^{-6}.
- MACT not required if early reduction of 90% below 1985 emmission levels.

Residual risk assessment 5 years after MACT compliance.
- 10^{-6} As Goal & 10^{-4} as upper limit defaults.
- Nat'l. Academy of Science to study risk assessment methods used by EPA for standards setting. EPA to revise guidelines base on NAS study.
- Commission formed to study and report to Congress on risk assessment methods. Congress may set residual risk standards.

Electric utility boilers regulated only for particulate and mercury emissions through MACT standard.
- Flue gas scrubbers cannot be required for hazardous air pollutant control.

BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT
TIME FRAME PROJECTIONS

THE FOLLOWING DATES ARE BASED ON THE ASSUMPTION THAT THE BILL IS ENACTED (IN IT'S CURRENT VERSION) OCTOBER 1990:

MACT DECISIONS BY EPA:

First ten categories & twelve chemicals	Oct. 1992
First twenty-five percent of categories	Oct. 1993
Second twenty-five percent of categories	Oct. 1995
Remainder	Oct. 2000

COMPLIANCE WITHIN THREE YEARS AFTER MACT DECISION:

First ten categories & twelve chemicals	Oct. 1995
First twenty-five percent of categories	Oct. 1996
Second twenty-five percent of categories	Oct. 1998
Remainder	Oct. 2003

RESIDUAL RISK ASSESSMENT FIVE YEARS AFTER MACT COMPLIANCE:

First ten Categories & twelve Chemicals	Oct. 2000
First twenty-five percent of categories	Oct. 2001
Second twenty-five percent of categories	Oct. 2003
Remainder	Oct. 2008

POSSIBLE SOURCE CATEGORIES FOR INITIAL MACT DETERMINATION
UNDER BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT

Coke Ovens

Butadiene Production

Miscellaneous Butadiene Uses

CFC Production

Ethylene Oxide Production

Ethylene Dichloride Production

Chlorinated Hydrocarbons Production

Styrene Butyl Rubber Production

Neoprene Production

Chlorinated Hydrocarbon Uses In Other Mfg.

Pesticide Production

Pharmaceutical Production

INITIAL TWELVE CHEMICALS FOR MACT DETERMINATION
UNDER BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT

Acrylonitrile

Benzene

Butadiene

Cadmium

Carbon Tetrachloride

Chloroform

Ethylene Dichloride

Ethylene Oxide

Methylene Chloride

Perchloroethylene

Trichloroethylene

Coke Oven Emmissions

4/13/90

A COMPARISON BETWEEN IOWA'S DRAFT AIR TOXIC RULES & THE TOXICS PROVISIONS OF THE ADMINISTRATION-BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT

SIMILARITIES

Both documents have lists of substances regulated, require application of a form of best available control technology, require reduction of significant residual risk and allow time for existing sources to comply.

DIFFERENCES

The draft rules include a list of 61 carcinogens and reference the American Conference of Governmental Industrial Hygienists list for noncarcinogenic toxic air pollutants (approximately 600 noncarcinogenic toxic air pollutants).

The Clean Air Act agreement lists approximately 200 hazardous air pollutants.

The draft rules require all new sources and existing sources with a risk level above 1 in 100,000 or TLV/100 to apply BACT.

The Clean Air Act agreement requires new and existing "major" sources to apply MACT. A major source is one which emits 10 tons per year of a listed hazardous air pollutant or a combination of 25 tons per year of listed hazardous air pollutants. MACT for an existing source may be less stringent than for a new source. MACT is not required for source categories that pose less than 1 in 1,000,000 risk of cancer.

Using the 10/25 ton cutoff level, of the 64 Iowa facilities inventoried only 14 would be major and subject to regulation under the bill.

The draft rules state BACT will be determined on a case by case basis during the permitting process.

EPA is to establish a list of source categories. For each category of sources, EPA will promulgate a MACT. The MACTs are to be promulgated within 2, 3, 5 and 10 years of date of enactment.

The draft rules state BACT will be the same for new and existing sources.

MACT may be less stringent for an existing source.

The draft rules do not treat utility boilers differently from other sources of air toxics.

The Clean Air Act agreement states that only toxics in the form of particulates and mercury are to be regulated from utility boilers. The agreement requires that EPA complete a study of toxic particulate emissions from utilities to be completed within 3 years of enactment and a study of mercury emissions from utilities within 4 years of enactment. Also, flue gas scrubbers cannot be required to control toxics from utility boilers.

The draft rules do not contain an early compliance provision.

The Clean Air Act agreement states that any source making an early reduction of 90% below 1985 emission levels is exempt from MACT.

The draft rules state that existing sources have 9 months from notification by the Department to submit a written demonstration of compliance or an emission reduction program. No time frame for compliance is specified in the rules.

The Clean Air Act agreement allows an existing source up to 3 years from promulgation of a MACT to comply with the MACT requirements.

The draft rules require new sources to meet a residual risk of less than 1 in 100,000 and TLV/100. Residual risk is not evaluated from existing sources applying BACT.

The Clean Air Act agreement requires EPA after promulgation of a MACT to evaluate residual risks from affected sources, and if significant, to promulgate health-based standards within 5 years of promulgation of the MACT (This could be up to 15 years if EPA complies with the schedule in the bill.)

The draft rules use 1 in 100,000 to evaluate carcinogens.

The Clean Air Act agreement specifies 1 in 1,000,000 as a goal and 1 in 10,000 as the upper limit on acceptable cancer risk.

The draft rules use TLV/100 to evaluate noncarcinogens.

The Clean Air Act agreement does not specify a criteria for evaluation of noncarcinogens.

tions shall be brought by and in the name of the United States.".

COORDINATION OF FEDERAL TRANSPORTATION AND ENVIRONMENTAL POLICIES

SEC. 221. (a) FINDINGS.—The Congress finds that—

(1) it is Federal policy, as reflected in the Clean Air Act, to require the use of new technologies and alternative fuels by public transportation vehicles to further improve air quality;

(2) the installation and use of new technologies and alternative fuels by public transportation vehicles will require substantial capital investment, and could significantly increase the costs of operating such vehicles;

(3) under existing Federal transportation policy, Federal funding for maintenance, improvement, and expansion of public transportation systems is very limited;

(4) it is in the public interest that such new technologies and alternative fuels be brought into use in the appropriate timeframe, and that public transportation systems become more available and efficient; and

(5) Federal surface transportation programs must be reauthorized by September 30, 1991.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) increased use of multipassenger and public transportation vehicles should be strongly encouraged by Federal, State, and local governments;

(2) Federal transportation policy should reflect environmental policy and concerns; and

(3) the upcoming reauthorization of Federal surface transportation programs should—

(A) take into account and authorize appropriate Federal funding of additional costs imposed on State and local entities relating to environmental requirements contained in this Act;

(B) encourage increased State and local funding for public transportation systems; and

(C) provide various regions, States, and localities with the flexibility to best meet their transportation and environmental needs.

TITLE III—AIR TOXICS

HAZARDOUS AIR POLLUTANTS

SEC. 301. Section 112 of the Clean Air Act is amended to read as follows:

"HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) DEFINITIONS.—

"(1) The term 'major source' means any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, considering installed and operating controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors. Notwithstanding the provisions of this paragraph, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such wells or stations are major sources.

"(2) The term 'area source' means any stationary source of hazardous air pollutants that is not a major source.

"(3) The term 'stationary source' means any facility or installation or unit of such facility or installation which emits or may emit any hazardous air pollutant.

"(4) The term 'new source' means a source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under this section establishing emissions standards applicable to such source.

"(5) The term 'hazardous air pollutant' means any air pollutant listed pursuant to subsection (b).

"(6) For purposes of this section, the term 'adverse environmental effects' means any threat of significant adverse effects, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources including disruption of local ecosystems, impacts on populations of endangered or threatened species, significant degradation of environmental quality over broad areas, or other comparable effects.

"(7) The term 'electric utility steam generating unit' means any fossil fuel fired steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system.

"(8) The terms 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

"(9) The term 'carcinogenic effect' shall have the meaning provided by the Administrator under Guidelines for Carcinogenic Risk Assessment.

"(b) LIST OF POLLUTANTS.—

"(1) The Congress establishes for purposes of this section a list of hazardous air pollutants as follows:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorine
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
7664417	Ammonia
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	Cresols/Cresylic acid (isomers and mixture)
108394	Cresols/Cresylic acid (isomers and mixture)
106445	Cresols/Cresylic acid (isomers and mixture)
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobensene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)

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CAS number	Chemical name
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	Xylenes (isomers and mixture)
108383	Xylenes (isomers and mixture)
106423	Xylenes (isomers and mixture)
A	Antimony Compounds
A	Arsenic Compounds (inorganic including arsine)
B	Beryllium Compounds
C	Cadmium Compounds
C	Chromium Compounds
C	Cobalt Compounds
C	Coke Oven Emissions
C	Cyanide Compounds[2]
G	Glycol ethers[3]
L	Lead Compounds
M	Manganese Compounds
M	Mercury Compounds
M	Mineral fibers[4]
N	Nickel Compounds
P	Polycyclic Organic Matter[5]
R	Radionuclides (including radon)[6]
S	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[2] X CN where X = H or any other group where a formal dissociation may occur. For example KCN or Ca(CN)$_2$.

[3] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH$_2$CH$_2$)$_n$-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH$_2$CH)$_n$-OH. Polymers are excluded from the glycol category.

[4] Includes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as "respirable" (fiber diameter less than 3.5 microns and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

[5] Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

[6] A type of atom which spontaneously undergoes radioactive decay.

"(2) The Administrator shall, from time to time, but not less often than every five years, review and revise the list established by paragraph (1) adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) but not including effects for which a pollutant has been listed pursuant to section 108 of this Act) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, but not including releases subject to regulation under section 120 as a result of emissions to the air. No substance, practice, process, or activity regulated under title V of this Act shall be subject to regulation under this section solely due to its adverse effects on the environment.

"(3)(A) Any person may petition the Administrator to modify the list established by paragraph (1) by adding or deleting a substance. Any such petition shall include a showing by the petitioner that there is adequate data on the health effects of the pollutant or other evidence adequate to support the petition. Within twelve months after receipt of a petition the Administrator shall either grant the petition or publish a statement of the reasons for not granting the petition. The Administrator may not deny a petition on the basis of inadequate resources or time for review.

"(B) The Administrator shall add a substance to the list upon a showing by the petitioner or on the Administrator's own determination that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects, or that the substance is an air pollutant that qualifies for addition to the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(C) The Administrator shall remove a substance from the list upon a showing by the petitioner or on the Administrator's own determination that there is adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects, or that the substance qualifies for deletion from the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986. Action by the Administrator pursuant to section 313(d)(3) of such Act prior to the date of enactment of this paragraph shall constitute a deletion for the purposes of this section.

"(D) If the Administrator determines that information on the health or environmental effects of a substance is not sufficient to make a determination required by this subsection, the Administrator may use the authorities of section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act and other information-gathering authorities under such Act and other laws administered by the Agency to acquire such information.

"(5) The Administrator may establish test measures and other analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of hazardous air pollutants.

"(b) Lists of Source Categories.—

"(1)(A) Not later than twelve months after the date of enactment of this paragraph and after notice and opportunity for public comment, the Administrator shall publish (and from time to time revise) a list including all categories and subcategories of major sources of hazardous air pollutants which shall, to the extent practicable, be consistent with the list of source categories established pursuant to section 111 and part C of this Act.

"(2) The Administrator shall list under this subsection and designate for regulation under subsection (d) each category or subcategory of area sources which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section.

"(3) In addition to those categories and subcategories of sources designated for regulation pursuant to paragraphs (1) and (2), the Administrator may at any time designate additional categories and subcategories of sources of hazardous air pollutants according to the same criteria for designation applicable under such paragraphs and at the time of designation shall establish a date for the promulgation of emissions standards under subsection (d).

"(4) At the time of setting a standard for any category or subcategory of sources pursuant to subsection (d), (f), or (g), the Administrator shall also establish a minimum emissions rate for each hazardous air pollutant emitted by sources in the category or subcategory reflecting the criteria for listing a hazardous air pollutant established by subsection (b)(2). All sources in the category or subcategory emitting more than the minimum emissions rate for any hazardous air pollutant shall be subject to standards promulgated under subsection (d), (f), or (g). In no event shall the minimum emissions rate be greater than ten tons per year for any one hazardous air pollutant or twenty-five tons per year for any combination of such pollutants.

"(5) Notwithstanding the provisions of paragraph (4), the Administrator may establish a minimum emissions rate of more than ten tons for a category or subcategory and a pollutant for which a health effects threshold can be established, provided that, the minimum emissions rate assures, with an ample margin of safety, such threshold will not be exceeded within the vicinity of the sources in the category and that no adverse environmental effects will occur as the result of emissions from the sources individually or in combination with emissions from other similar sources.

"(6) With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall establish minimum emissions rates for categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(2).

"(7) Notwithstanding the provisions of paragraph (3), the Administrator shall not be required to list any source category for which—

"(A) the hazardous air pollutants emitted by sources in the category (in quantities greater than ten tons per year for any pollutant or twenty-five tons per year for any combination of pollutants) from a source are all known, probable or possible human carcinogens with no other adverse health or environmental effect; and

"(B) no source in the category emits a hazardous air pollutant in quantities which may cause a lifetime risk of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of such pollutants from a source in the category.

"(c) Emissions Standards.—

"(1) The Administrator shall promulgate emissions standards for every category or subcategory of sources of hazardous air pollutants designated for regulation pursuant to subsection (b).

"(2) Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of each air pollutant

Mr. Stokes explained the rules, options provided, and changes from the proposed rule draft. He distributed a copy of the "Bipartisan Senate Clean Air Act Agreement - Toxic Air Pollutants Provisions" and gave a brief overview of same. Mr. Stokes also provided a comparison between Iowa's draft rules and the Senate agreement. He stated that letters were distributed to the Commission, from a number of sources, suggesting that the Commission carefully consider this proposed action in light of federal actions on the Clean Air Act.

Clark Yeager asked why staff chose to address 800 toxic air pollutants rather than the 200 listed in the Clean Air Act.

Mr. Stokes explained that, under the list of 200, it may not address pollutants that are being emitted to the air in Iowa. Staff is working on an evaluation to determine if there is something emitted in significant quantities that may not be on the list of 200.

Richard Hartsuck remarked that for the Commission to do anything at this time, with the uncertainty of federal legislation, would add to the confusion. He added that he feels this item should be tabled until November, at which time the Commission would review what Congress has done.

Mike Earley stated that he objects to delay taking it to public participation as the federal government has been at it for 20 years and it is difficult to tell how long it will take them to make a decision.

Discussion followed regarding whether or not the proposed rules should be tabled.

Clark Yeager stated that there was a suggestion in a letter from John Deere Company that DNR hold training seminars to educate interested businesses in health risk assessment, and that it be done prior to formal rulemaking for air toxics.

Motion was made by Richard Hartsuck that no further action be taken on control of toxic air pollutants at this time, and that the status of this subject be on the November agenda and it be understood that this motion does not preclude earlier return to the agenda if circumstances should warrant. Seconded by Gary Priebe.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Hartsuck, Priebe, Siebenmann, Yeager, and Mohr. "Nay" vote was cast by Commissioner Earley. Motion carried on a vote of 6-Aye to 1-Nay.

NOTICE OF INTENDED ACTION--CHAPTERS 100 AND 102, LANDFILL OPERATOR AND SOLID WASTE INCINERATOR OPERATOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received copies of proposed changes to Chapter 100, Scope of Title - Definitions - Forms - Rules of Practice, and Chapter 102, Permits for their informational review.

In 1987 the legislature amended the Code of Iowa requiring sanitary landfill operators and solid waste incinerator operators to be trained, tested, and certified by a program approved by the department. The changes in Chapter 100 and 102 address this requirement.

Chapter 100 will be amended to include the definition of sanitary landfill operator and solid waste incinerator operator.

Chapter 102 will be amended by first renumbering the existing subrules 102.13 and 102.14 as 102.14 and 102.15.

New subrule 102.13 will require that all sanitary landfill operators and solid waste incinerator operators be trained in a course approved by the department. The minimum curriculum for the courses is outlined and the minimum number of contact hours is specified. The curriculum and contact hours were determined through review of existing training courses. Reciprocity shall be granted to individuals certified in other states upon approval by the department.

Sanitary landfill operators are defined as the person who has supervisory responsibility on-site. For example, the person on-site that has authority to turn waste away at the gate and supervise the machinery operators during working hours would be considered the landfill operator and would therefore have to be certified.

A fee schedule for the examinations, certifications and renewals is addressed in 102.13(6). The fees are based upon the costs of administering such a program. The fees are comparable to the Wastewater and Water Operator certification fees.

The examination procedure is discussed in 102.13(7). The applicant may take the test and fail twice, after the second failure an applicant must wait 180 days between subsequent examinations. Oral examinations will be given at the discretion of the department.

The certification procedure is discussed in 102.13(8). A grace period has been incorporated into the certification procedure. If an operator can pass the examination by June 30, 1991 the required operator training course will be waived and the operator

will be certified. Beginning July 1, 1991 the operator must complete the required training course and successfully complete the certification examination. The certification will be good for a two year period. The certificates will expire on June 30 of even numbered years. This time frame was suggested by the DNR licensing division which will administer this program.

Renewal of certification under 102.13(9) will be done every two years. Ten contact hours of continuing education credit must be earned in the two year period to qualify for renewal.

102.13(10) will be concerned with the disciplinary action that the department will have the authority to take against a certified operator. Disciplinary action may be taken if the operator is not using reasonable care or judgement in performing duties associated with rules or permit conditions. Allowable sanctions will include revocation of certificate and probation under specific conditions.

The Commission is asked to approve a Notice of Intended Action at this time.

(Notice of Intended Action is shown on the following 5 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to Iowa Code 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100, "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

In 1987, the Iowa legislature amended Chapter 455B and required operators of permitted sanitary landfills and to be trained, tested, and certified by a program devised or approved by the department. 1989 Iowa Acts, Chapter 272, section 33, amended section 455B.304 to impose similiar requirements for operators of solid waste incinerators. As a result of the amendments which established operator certification, the existing rules in 567--102 must be expanded to include operator certification requirements.

The rules, as amended, will be implemented upon adoption.

The rules may impact small businesses.

Written comments may be directed to Gayle Farrell, 900 E. Grand, Des Moines, Iowa 50319, FAX number 515-281-8895 through June 8, 1990.

Interested persons may also provide oral comments at public hearings to be held at the following locations and times: Des Moines, Wallace Building, Conference Room on 5E, 10 a.m., June 5; Atlantic, Atlantic Municipal Utilities Board Room, 3 p.m., June 5; Storm Lake, Fire Department Meeting Room, 10 a.m., June 6; Mason City, Fire Department Meeting Room, 2 p.m., June 7. Iowa City, Oakdale Campus Auditorium, 10 a.m., June 11; Independence, Buchanan County Community Services Building, 2 p.m., June 12.

The following amendments are proposed.

ITEM 1. Add to 567--100.2(455B) the following definitions.

"Sanitary landfill operator" is an individual having active, daily, on-site technical, administrative, and supervisory responsibility for the operation of a landfill and possessing a valid certificate to operate such a facility.

"Solid waste incinerator operator" is an individual having active, daily, on-site technical, administrative, and supervisory responsibility for the operation of an incinerator and possessing a valid certificate to operate such a facility.

ITEM 2. Renumber 567--102.13 to 567--102.14.

ITEM 3. Renumber 567--102.14 to 567--102.15.

ITEM 4. Add new subrule 567--102.13 Operator certification. Sanitary landfill operators and solid waste incinerator operators shall be trained, tested, and certified by a department-approved certification program.

567--102.13(1) A sanitary landfill operator or a solid waste incinerator operator will be on duty during all hours of operation of a sanitary landfill or solid waste incinerator, consistent with their respective certification.

567--102.13(2) An individual desiring to become a certified operator shall complete a basic operator training course that has been approved by the department or an alternative, equivalent training approved by the department and pass a departmental examination as specified by this rule. An operator certified by another state may have reciprocity subject to approval by the department.

567--102.13(3) A sanitary landfill operator certification or solid waste incinerator operator certification is valid until June 30 of the following even-numbered year.

567--102.13(4) Basic Operator training course.

a. The required basic operator training course for a certified sanitary landfill operator will have at least 25 contact hours, and will address the following areas, at a minimum:

1. Description of types of wastes
2. Interpreting and using engineering plans
3. Land surveying techniques
4. Waste decomposition processes
5. Geology and hydrology
6. Landfill design
7. Landfill operation
8. Environmental monitoring
9. Applicable laws and regulations
10. Permitting processes

b. The required basic operator training course for a certified solid waste incinerator operator will have at least 12 contact hours, and will address the following areas at a minimum:

1. Description of types of wastes
2. Incinerator design
3. Interpreting and using engineering plans
4. Incinerator operations
5. Environmental monitoring
6. Applicable laws and regulations
7. Permitting process
8. Incinerator maintenance

567--102.13(5) Alternate basic operator training must be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternate training.

567--102.13(6) Fees.

a. The examination fee for each examination shall be twenty dollars ($20).

b. The initial certification fee shall be eight dollars for each one half year of a two year period from the date of issuance to June 30 of even-numbered years.

c. The certification renewal shall be twenty-four dollars ($24).

d. The penalty fee shall be twelve dollars ($12).

567--102.13(7) Examinations.

a. The operator certification examinations will be based on the basic operator training course curriculum.

b. All persons wishing to take the examination required to become a certified operator of a sanitary landfill or a solid waste incinerator shall complete the "Operator Certification Examination Application" form (542-1354). A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification issued after July 1, 1991. The completed application and the application fee

shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least thirty (30) days prior to the date of examination.

c. A properly completed application for examination will be valid for one year from the date the application is approved by the department.

d. Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of one hundred and eighty (180) days between each subsequent examination.

e. Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten (10) days prior to the date of examination.

f. Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

g. Completed examinations will be retained by the director for a period of one year after which they will be destroyed.

h. Oral examinations may be given at the discretion of the department.

567--102.13(8) Certification.

a. All operators who can pass the operator certification examination by July 1, 1991 are exempt from taking the required operator training course. Beginning July 1, 1991 all operators will be required to take the basic operator training course and pass the examination to become certified.

b. Application for certification must be received by the department within thirty (30) days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

c. Applications for certification by examination which are received more than thirty (30) days but less than sixty (60) days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within sixty (60) days' notice of successful completion of the examination will not be certified on the basis of that examination.

d. For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

e. For applicants who have been certified under voluntary certification programs in other states, certification will be considered. The applicant must have successfully completed a basic operator training course and an examination generally equivalent to the Iowa examination. The director may require the applicant to successfully complete the Iowa examination.

f. Applicants who seek Iowa certification pursuant to subrule 102.13(9)d or e shall submit an application for examination accompanied by a letter requesting certification pursuant to those subrules. Application for certification pursuant to those subrules shall be received by the director in accordance with 102.13(9)a and b.

567--102.13(9) Renewals. All certificates shall expire every two years, on even numbered years, and must be renewed every two years to maintain certification. Application and fee are due prior to expiration of certification.

a. Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within thirty (30) days of the expiration of the certificate, on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

b. If a certificate holder fails to apply for renewal within thirty (30) days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with 102.13(8).

c. An operator may not continue to operate a sanitary landfill or solid waste incinerator after expiration of a certificate without renewal thereof.

d. Continuing education must be earned during the two-year license period. All certified operators must earn ten contact hours per certificate during each two-year period.

e. Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certificates. The certificates of operators not fulfilling the continuing education requirements shall be void upon expiration, unless an extenstion is granted.

f. All activities for which continuing education credit will be granted and must be related to the subject matter of the particular certificate to which the credit is being applied.

g. The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which to fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.

h. It is the certified operator's responsibility to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

i. A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military services, or for periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there, or for periods that the person is a government employee working as an operator and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the department.

567--102.13(10) Discipline of certified operators.

a. Disciplinary action may be taken on any of the following grounds:

1. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to landfill or incinerator operation.

2. Failure to submit required records of operation or other reports required under applicable permits or rules of the department; including failure to submit complete records or reports.

3. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

b. Disciplinary sanctions allowable are:

1. Revocation of a certificate.

2. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training, or reexamination may be required as a condition of probation.

c. The procedure for discipline is:

1. The director shall initiate disciplinary action. The commission may direct that the director investigate any alleged factual situation that may be grounds for disciplinary action under 102.13(11)a, and report the results of the investigation to the commission.

2. A disciplinary action may be prosecuted by the director.

3. Written notice shall be given to an operator against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. The operator shall be given twenty (20) days to present any relevant facts and indicate the operator's position in the matter, and to indicate whether informal resolution of the matter may be reached.

4. An operator who receives notice shall communicate verbally, in writing, or in person with the director and efforts shall be made to clarify the respective positions of the operator and director.

5. Failure to communicate facts and position relevant to the matter by the required date may be considered when determining appropriate disciplinary action.

6. If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

7. If an agreement as to appropriate disciplinary action, if any, cannot be reached, the director may initiate formal hearing procedures. Notice and formal hearing shall be in accordance with chapter 7 of the rules of the department related to contested and certain other cases pertaining to licensee discipline.

567--102.13(11) Revocation of certificates. Upon revocation of a certificate, application for certification may be allowed after two (2) years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

_____

Date

_____

Larry J. Wilson, Director

(A:EP100A.MIN/087-90/pla)

Mr. Stokes explained that the word "operator" has been better defined in the rule. He presented a brief review of the proposed rule.

Motion was made by Gary Priebe to approve Notice of Intended Action--Chapters 100 and 102, Landfill Operator and Solid Waste Incinerator Operator Certification. Seconded by William Ehm. Motion carried unanimously.

NOTICE OF INTENDED ACTION--CHAPTERS 100, 104 AND 105, YARD WASTE DISPOSAL AND COMPOSTING FACILITIES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received copies of proposed rules amending Chapter 100, 104, and 105 to address legislative changes to the Code of Iowa 455D.9. The rules will address the ban on yard waste burial beginning January 1, 1991.

Chapter 100 will be amended to include definitions of compost, yard waste, tree chipping facilities, and firewood processing facilities.

Chapter 104 will be amended to move all composting references to Chapter 105. Hopefully, this will avert some confusion and misunderstandings associated with trying to comply with three or four different chapters of the Iowa Administrative Code. Chapter 105 will be rescinded as it is now. The new Chapter 105 will be titled "Yard Waste Disposal and Solid Waste Composting Facilities." The sections from the old Chapter 105 will be incorporated into the new chapter. The new chapter 105 will establish methods for composting of yard waste, solid waste, and land application of compost and yard waste.

Yard waste composting facilities will compost only yard waste. Yard waste composting facilities do not require an operating permit if they can operate in compliance with Chapter 105. The yard waste must be debagged or bagged in a biodegradable bag. The biodegradable bag must be opened in some way prior to composting. The yard waste will be unloaded on an all-weather surface. One acre of land will be used for every 3,000 cubic yards of yard waste composted (Waste Age, Vol. 20, no. 9, p. 182, September 1989, Composting Correspondence Course, Univ. of Wisconsin). Yard waste composting will take place on surfaces with slopes of 1-3%. The yard waste composting facility must be located 100 feet from an inhabitable residence.

Yard waste composting facilities must maintain records to document compliance with Chapter 105. These records must be kept on site 5 years after the last use of the site for composting.

The department must be notified prior to the opening of a yard waste composting facility.

Finished yard waste compost must be analyzed for stability. The compost must be stable before it can be offered to the public. If the finished compost is to be sold it must be registered by the Department of Agriculture under Chapter 200, Iowa Fertilizer Law. The finished yard waste compost may be stored for 12 months.

Solid waste composting facilities will compost anything other than or in addition to yard waste. Solid waste composting facilities must have an operating permit. Detailed design plans must be submitted to the Department for approval. The design plans will cover the impervious composting base, detention basin, and general engineering of entire facility.

Solid waste composting will be done on an impervious base. The base must meet the equipment load and a permeability coefficient of 1 x 10-7 cm/sec. Any leachate resulting from the solid waste composting facility will be collected in a detention basin. The basin will be located, constructed, and tested in conformance with Chapter 18C of the "Wastewater Design Standards". The detention basin shall not discharge to surface waters except as permitted by a NPDES permit.

Solid waste composting facilities will have specific operating requirements. Solid waste composting facilities must draft a closure plan in conformance with 104.11 and Chapter 102 IAC.

Finished compost resulting from solid waste composting shall be tested for stability, pathogens, and heavy metals. If the finished compost is to be offered for sale it must be registered by the Department of Agriculture.

Application rates of yard waste and solid waste compost shall be in conformance with Chapter 105. Yard waste compost may be applied at any rate as long as it meets the stability criteria. Solid waste compost must not be in excess of 30 ton/acre/year and it must meet the heavy metal loading rates in 105.12. Solid waste compost must also meet the stability and pathogen criteria.

Land application of uncomposted yard waste is allowed, as provided in 455D.9 (5). The yard waste must be taken out of it's container, and the container must be removed from the application site. Land application of uncomposted yard waste shall be in conformance with 121.3(2) IAC. Subrule 121.3(2) may be renumbered in the future as a result of pending Solid Waste rule changes for land application of petroleum contaminated soil. The maximum application rate for uncomposted yard waste, as allowed in 121 IAC, is 20 ton dry weight/ acre/year. Storage of yard waste prior to land application is allowed for one week.

The Commission is asked to approve a Notice of Intended Action at this time.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to Iowa Code section 455B.304, 455D.7 and 455B.9(3) the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100 "Scope of Title- Definitions- Forms- Rules of Practice", Chapter 104 "Sanitary Disposal Projects with Processing Facilities", and Chapter 105 "Composting Facilities", Iowa Administrative Code.

In 1989 the Iowa Legislature put a ban on land disposal of yard wastes beginning January 1, 1991. A provision was added requiring rules to be drafted defining yard waste, and providing a safe effective method of compositing. As a result of this legislative action the existing rules in 567--100 must be expanded to include the definition of yard waste and compost. Rules in chapter 567--104 have been amended in an effort to move all regulations pertaining to compost into chapter 567--105. Combining all compost regulations into one chapter will hopefully avert some misunderstandings and confusion associated with trying to comply with three or four different chapters of the Iowa Administrative Code. Rules in 567--105 must be expanded to cover composting facilities and yard waste disposal more extensively.

Written comments may be directed to Gayle Farrell, 900 East Grand, Des Moines, IA 50319, FAX number 515/281-8895 through June 8, 1990. Interested persons may provide oral comments at public hearings to be held at the following locations and times: Des Moines Wallace Building, Conference Room on 5E, 10 a.m., June 5; Atlantic, Atlantic Municipal Utilities Board Room, 3 p.m. June 5; Storm Lake, Fire Department Meeting Room, 10 a.m. June 6; Mason City, Fire Department Meeting Room, 2 p.m. June 7; Iowa City, Oakdale Campus Auditorium, 10 a.m., June 11; Independence, Buchanan County Community Services Building, 2 p.m., June 12.

These rules are intended to implement section 455B.304 and 455D.9 of the Code of Iowa.

These amendments may impact small businesses.

The following amendments are proposed:

ITEM 1. Amend subrule 100.2 by adding the following definitions in their respective alphabetical order:

"Compost" means organic material resulting from biological decomposition of waste which can be used as a soil conditioner or soil amendment.

"Fire Wood Processing Facilities" means facilities which process or allow the public to process trees into firewood.

"Tree Chipping Facilities" means facilities which chip trees and brush for the purpose of mulch production.

"Yard Waste" means debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

ITEM 2. Amend rule 104.1 introductory paragraph by adding the sentence, "If a composting process is to be used, Chapter 105 is applicable."

ITEM 3. Amend rule 104.9 subparagraph (1)"b"(4) to read as follows:
104.9(1)b(4) Storage facilities, ~~except for compost storage facilities,~~ shall be enclosed to prevent blowing litter and roofed to prevent precipitation into any solid waste.

ITEM 4. Rescind subrules 104.10(4), 104.10(6), and paragraph 104.10(7)b.

ITEM 5. Renumber the existing subrule 104.10(5) as 104.10(4) and renumber the existing subrule 104.10(7) as 104.10(5). Renumber the remaining subrules in numerical order.

ITEM 6. Rescind current chapter 105.

ITEM 7. Rename chapter 105 as: Yard Waste Disposal and Solid Waste Composting Facilities.

ITEM 8. Add new chapter 105 as follows:

567--105.1(455) General This chapter shall apply to the composting of solid wastes, except animal manure, animal bedding and crop residue. If animal wastes are mixed with other solid wastes for the purpose of composting, this chapter does apply. Land application of yard wastes shall be in conformance with this chapter and chapter 121 IAC.

105.1(1) Two types of composting are allowed Yard waste and Solid waste.

a) Yard waste composting involves only yard waste. If the Yard waste composting facilities can operate in accordance with these rules they are exempt from having a permit. If collection and recirculation of water is used, all solid waste composting criteria are applicable.

b) Solid waste composting involves any waste used in addition to or other than yard waste. Solid waste composting facilities shall require a permit. Solid waste composting facilities may include: windrows that are turned frequently, static piles with air circulation, aerated in-vessel techniques or other methods approved by the department.

105.1(2) Beginning January 1, 1991, burial of yard waste at a sanitary landfill is prohibited. However, yard waste which was separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. The incineration of yard waste at a sanitary landfill is prohibited.

105.1(3) By July 1, 1990, each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. By January 1, 1991, municipalities which provide for a collection system for solid waste shall provide for a collection system for yard waste which is not composted.

105.1(4) State and local agencies responsible for the maintenance of public lands in the state shall give preference to the use of composted materials in all land maintenance activities.

105.1(5) The use of yard waste as land cover or soil conditioner is not prohibited. Land application of yard waste should be in conformance with Chapter 120 and 121, Iowa Administrative Code.

567--105.2 Exemptions. Projects not exempted must follow requirements relating to type of waste being composted as stated in this chapter.

105.2(1) Yard waste generated, composted, and disposed of on the same premises where it originated does not require a permit. This composting shall not create a nuisance.

105.2(2) Tree chipping facilities are not regulated by this chapter.

105.2(3) Firewood processing facilities are not regulated by this chapter.

105.2(4) Composting facilities using only animal manure, animal bedding or crop residues as compost materials are not regulated by this chapter.

567--105.3 General operating requirements for all composting facilities. Solid waste composting facilities shall be operated in conformance with chapter 102 (sect. 102.1- 102.13(7)) and this subrule. The plans required in 102.13 shall detail the means by which the following operating requirements shall be complied with. Yard waste composting facilities do not have to comply with chapter 102, but they shall keep records on the premises showing compliance with this subrule.

105.3(1) Materials resulting from composting or similar processes shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost. Sale shall be in compliance with all applicable federal and state laws and local ordinances and regulations.

105.3(2) Solid waste which cannot be composted or which is removed during processing shall be handled in a manner which will not create pollution or a nuisance, and shall be disposed by another method provided in chapter 100--110, IAC.

105.3(3) Solid waste shall be unloaded at the operating areas only when an operator is on duty at that area. Solid waste may be deposited in storage containers inside the site under the supervision of an attendant or operator.

105.3(4) The operating area for composting shall be as small as practicable and shall be surrounded with appropriate barriers to prevent litter from blowing beyond the operating areas.

105.3(5) The site shall be fenced to control access and a gate shall be provided at the entrance to the site and kept locked when an attendant or operator is not on duty.

105.3(6) Emergency access shall be provided to the material in solid waste storage facilities.

567--105.4 Specific requirements for Yard waste composting facilities. This section applies to facilities composting only yard waste. Facilities in conformance with this chapter shall not require a permit to operate.

105.4(1) Yard waste to be composted must be taken out of containers. Yard waste may be left in the bags, only if the bags are biodegradable. The biodegradable bags shall be opened by some means before composting.

105.4(2) An all-weather surface must be used for the unloading area.

105.4(3) The area of the composting facility must be large enough for the volume of yard waste composted. One acre shall be used for every 3,000 cubic yards of yard waste composted.

105.4(4) Compost must be turned at least once per month.

105.4(5) Composting shall be done on a surface which is 1 - 3% slope.

105.4(6) The facility must be 100 feet from any existing habitable residence unless there is written agreement with the owner of the residence of the residence and the site is separated by natural objects, plantings, fences, or by other appropriate means. The residence must be in existence on the date of application for the original permit from the department. The written agreement shall be filed with the county recorder and recorded for abstract of title purposes, and a copy submitted to the department.

105.4(7) Ponding of water must be prevented.

105.4(8) Measures shall be taken to prevent water from running onto the facility from adjacent land.

105.4(9) Sites shall have a permanent sign posted at the entrance specifying:

a. Name of operation
b. The operating hours
c. The name and telephone number of the responsible official
d. Materials which are accepted

105.4(10) Litter shall be confined to the property on which the composting facility is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

105.4(11) Record keeping requirements. The compost facility shall maintain adequate records to document compliance with this rule for a period of not

less than five (5) years following last use of the site for composting. These records shall be available at the composting facility for inspection and evaluation by the department at any time during normal operating hours.

105.4(12) Notification. Before opening a yard waste composting facility the department shall be notified in writing of the location of composting facility. The notice shall also contain the legal description of the site, the landowner, the responsible official, and quantities of waste accepted.

105.4(13) Finished Compost. Only cured compost meeting the following criteria may be offered to the public.

a) Compost must be held at a temperature above 55 degrees celsius (131 F) for at least 2 weeks for the purpose of pathogen destruction.

b) A composite sample from each windrow, pile, or batch of compost must be tested for compliance with an oxygen consumption test indicating stability of compost.

105.4(14) If finished compost is to be offered for sale as a soil conditioner or fertilizer the compost must be registered by the Department of Agriculture under chapter 200, Iowa Fertilizer Law.

105.4(15) Storage of finished compost.

a) Storage of finished compost is limited to 12 months.

b) Records must be kept pertaining to the volume or weight of compost which is removed from the facility.

567--105.5 Specific design requirements for Solid waste composting facilities. The plans required in rule 102.12(455B) and the following design requirements shall be met.

105.5(1) Detailed engineering drawings of the site showing all initial and permanent roads, buildings and equipment to be installed; unloading and holding areas; fences and gates; landscaping devices; personnel and maintenance facilities; sewer and water lines.

105.5(2) Method of composting.

105.5(2) Duration of composting.

105.5(3) Method of removal of composted materials.

105.5(4) Final disposition of the composted materials.

105.5(5) The facility must be 500 feet from any existing habitable residence unless there is written agreement with the owner of the residence and the site is separated by natural objects, plantings, fences or by other appropriate means. The residence must be in existence on the date of application for the original permit from the Department. The written Agreement shall be filed with the county recorder and recorded for abstract of title purposes, and a copy submitted to the department.

105.5(6) Measures shall be taken to prevent water from running onto the facility from adjacent land.

105.5(7) Composting must take place on an impervious base that can support the load of the equipment used. The permeability coefficient of the base must be less than 1 x 10-7 cm/sec (0.00028 ft/day). This must be determined by permeameter testing of a minimum of 2 undisturbed samples.

105.5(8) The base may be constructed with asphaltic cement concrete, portland cement concrete, or similar materials able to support the equipment load and meet the permeability coefficient.

105.5(9) The low permeability, thickness, and continuity of the base material must be maintained.

105.5(10) The area of the base must be adequate for the volume of solid waste being composted. Design calculations must be submitted supporting the

proposed area of the base. These calculations should show support for equipment load and composting process used.

105.5(11) A detention basin must be constructed to provide collection of runoff water.

a) The detention basin shall be designed to contain run-off from a 25 year, 24 hour precipitation event. Pertinent information can be found in the Department of Agriculture publication "Climatology of Iowa Series #2-1980". The detention basin must also collect all run-off water resulting from the composting facility.

b) The detention basin shall be located, constructed, and tested according to chapter 18C of the "Wastewater Design Standards".

1) One or more piezometers must be used to determine the water table as referenced in 18C.3.5.2.

2) If a clay liner is used, the coefficient of permeability must be less than 1 x 10-7 cm/sec (0.00028 ft/day). This must be determined by permeameter testing of a minimum of 2 undisturbed samples.

3) If a synthetic liner is used, testing for leaks must be done according to manufacturer's directions or methods approved by department.

105.5(12) The detention basin shall not discharge to surface waters except as allowed by an NPDES permit.

105.5(13) A maintenance plan for the detention basin shall be submitted to the department. It should address maintenance of design volume, and repair of leaks. If a clay liner is used, the plan should also address repair of cracks that form due to drying or as a result of the freeze thaw cycle.

567--105.6 Specific operating requirements for Solid waste composting facilities. The plans required in 102.13(455B) shall detail the means by which the following operating requirements shall be met.

105.6(1) If mechanical sorting, grinding, or other processing of the waste occurs, operation shall be in conformance to chapter 104.

105.6(2) Process water must be available as needed during times of low precipitation and for enclosed projects.

105.6(3) The method to be used to prevent discharge from the detention basin must be specified (sewer or hauling equipment).

105.6(4) The compost must be turned at least once per week to provide aeration, or a system of air circulation must be used.

105.6(5) The method used to provide temperature control for proper composting and pathogen destruction must be specified.

105.6(6) If the criteria for finished compost, as specified in section 105.9 cannot be met, compost must be returned to process, disposed of in a landfill or other approved disposal method.

105.6(7) All holding areas for composted material and storage of finished (cured) compost must occur on the impervious base.

105.6(8) To monitor the operation, records shall be maintained by the operator as required by the director. The records shall be maintained on the premises for departmental review upon inspection. These records shall include but not be limited to the following:

1) Daily temperature of compost piles, batches, or windrows

2) Volume of waste accepted daily

105.6(9) A copy of the permit, engineering plans and reports shall be kept at the site at all times.

105.6(10) The compost must be passed through a screen with holes that are 3/8 inch or less in size.

105.6(11) If equipment is not dedicated to the compost project, it must be cleaned before removing it from the site. If sewage sludge is composted, the cleaning must include biological decontamination.

567--105.7 Reporting requirements for Solid waste composting facilities.

a) An annual report of the analytical results required in 105.9 and record keeping required in 105.6(8) and 105.9(1)must be submitted to the department on July 1.

b) The records required in 105.6(8)1 and 105.9(1) should be condensed into monthly totals. The daily temperature reports should consist only of data required to support 105.9(1).

567--105.8 Closure requirements. Solid waste composting facilities shall be closed in conformance with their approved closure plans, this rule, the requirements in rule 104.11(455B), and the requirements of chapter 102. Upon review of the closure plan, the department may require groundwater monitoring systems at the facility.

567--105.9 Finished compost. Only cured compost meeting the following criteria may be considered as finished compost which is ready for use.

105.9(1) Compost must be held at a temperature above 55 degrees celsius (131 F) for at least 2 weeks for the purpose of pathogen destruction. Other time periods may be approved by the department for aerated static piles or in-vessel composting.

105.9(2) A composite sample from each windrow, pile, or batch of compost must be tested for compliance with the following criteria and oxygen consumption tests.

Indicators of pathogen content

Criterion	Standard	Method
Fecal coliforms	<100/g. dry weight of compost.	*909C, 16 ed. *9222D, 17 ed.
Salmonella	must be absent	

(* methods are taken from "Standard Methods for the Examination of Water and Wastewater").

567--105.10 Storage of finished compost.

a) Storage of finished compost is limited to 12 months.

b) Records must be kept pertaining to the volume or weight of compost which is removed from the facility.

567--105.11 Compost for sale. If the compost is to be offered for sale as a soil conditioner or fertilizer the compost must be registered by the Department of Agriculture under chapter 200, Iowa Fertilizer Law.

567--105.12 Application rates for finished compost. Compost resulting from only yard waste is not subject to the following application rates. Yard waste compost may be applied at any rate as long as it meets the stability requirements in 105.4(13)b. The following application rates apply to all other composted materials meeting the criteria in 105.9.

The application rates are not in excess of Thirty tons per acre/year dry weight and the concentration of the contaminants do not exceed:

Contaminant	Concentration
Cadmium (Cd)	4 mg/kg
Copper (Cu)	100 mg/kg

Lead (Pb)	400 mg/kg
Nickel (Ni)	100 mg/kg
Zinc (Zn)	200 mg/kg

If the above mentioned criteria cannot be met a land application permit is required pursuant to 121.4 (455B).

567--105.13 Land Application of Yard waste. Land application of yard waste is allowed.

105.13(1) The yard waste shall be taken out of containers and the containers shall be removed from the land application site.

105.13(2) The site shall be managed to prevent waste from leaving the property line.

105.13(3) The land application shall be done in conformance with 121.3(2) IAC.

105.13(4) Yard waste can be stored for one week before it must be land applied.

A:EP104.MIN.092/ms

Motion was made by William Ehm to approve Notice of Intended Action--Chapters 100, 104 and 105, Yard Waste Disposal and Composting Facilities. Seconded by Gary Priebe. Motion carried unanimously.

NOTICE OF INTENDED ACTION--CHAPTER 121, LAND APPLICATION OF PETROLEUM CONTAMINATED SOILS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received copies of proposed changes to Chapter 121 which will establish procedures for land treatment of petroleum contaminated soil. Petroleum contaminated soil frequently results from removal of underground storage tanks and petroleum spills.

The new subrule 121.3(2) allows the land application of petroleum contaminated soil without a permit, if certain criteria can be met. The criteria include a maximum application rate of 500 ton per acre per year. This maximum application rate was derived by multiplying the weight of contaminated soil per ton by a maximum application depth of four inches. The result is approximately 500 ton/acre/year.

The section on land application of saturated soil has been clarified per the commission's comments. Contaminated soil which is saturated or in slurry condition cannot be land applied without a permit. Soil which is in saturated condition may pose

ignitability and groundwater contamination problems, therefore stricter regulation is warranted.

Land application must be 500 feet from a well and 200 feet from a occupied residence, stream, lake, pond, sinkhole or tile line surface intake located downgradient of the land application site. These criteria are similar to application separation distances for other types of solid wastes in Chapter 121.

The new subrule discourages the land application of petroleum contaminated soil on frozen or snow covered ground. If application cannot be avoided the slope of the land must be less than 5% and the application rate must be less than or equal to 1/4 inch thick. These criteria will minimize problems associated with runoff.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 the Environmental Protection Commission gives Notice of Intended Action to amend 567--chapter 121 "Land Application of Wastes", Iowa Administrative Code.

The Commission proposes to adopt rule amendments pertaining to the land application of petroleum contaminated soils.

Written comments may be directed to Gayle Farrell, 900 East Grand, Des Moines, IA 50319, FAX number 515/281-8895 through June 8, 1990. Interested persons may provide oral comments at public hearings to be held at the following locations and times: Des Moines Wallace Building, Conference Room on 5E, 10 a.m., June 5; Atlantic, Atlantic Municipal Utilities Board room, 3 p.m. June 5; Storm Lake; Fire Department Meeting Room, 10 a.m. June 6; Mason City, Fire Department Meeting Room 2 p.m. June 7; Iowa City, Oakdale Campus Auditorium, 10 a.m., June 11; Independence, Buchanan County Community Services Building, 2 p.m., June 12.

These amendments are intended to implement Iowa Code section 455B.304.

These amendments may impact small businesses.

The following amendments are proposed.

ITEM 1. Renumber the existing subrule 121.3(2) as 121.3(3) and add the following new subrule 121.3(2):

121.3(2) Petroleum contaminated soil. Petroleum contaminated soil may be land applied without a permit if the land application does not violate the following.

a) The maximum soil application rate shall not exceed 500 ton/acre per year.

b) The soil will not exceed four inches in depth of application.

c) Contaminated soil which is saturated or in slurry condition cannot be land applied without a permit.

d) Contaminated soil cannot be applied within 500 feet of a well nor within 200 feet of an occupied residence.

e) Contaminated soil cannot be applied within 200 feet from a stream, lake, pond, sinkhole or tile line surface intake located downgradient of the land application site.

f) The application of contaminated soil on frozen or snow covered ground should be avoided. If application is necessary, it shall be limited to land areas of less than 5% slope. Application rate must be $\leq$ 1/4- inch thick.

g) Slope restrictions and incorporation requirements:

Slope Class	Application Rates	Mechanical Incorporation Requirements
$\leq$ 5%	$\leq$ 1/4 inch	None
$\leq$ 5%	> 1/4 to 4 inches	Within 48 hrs. after application

h) Notification requirements. The owner of the site where the petroleum contaminated soil originated, shall notify the department prior to land application of the petroleum contaminated soil. This shall be followed by submitting a "Land Application Notification" form, supplied by the department.

i) Analytical requirements. Generally contaminated soil can be land applied without extensive monitoring programs; however, site specifications may necessitate environmental sampling to determine the impact of the application activity.

j) Record keeping requirements. The owner of the site where the petroleum contaminated soil originated must maintain adequate records on the premises to document compliance with subrule 567--121.3(2) of the Iowa Administrative Code. The records must be maintained for five years following the last application of soil at the land farming area. The records must be available for inspection and evaluation by the department during normal working hours.

ITEM 2. Amend new subrule 121.3(3) introductory paragraph as follows:

121.3(3) Other solid wastes. No permit is required for the land application of any solid waste (other than municipal sewage sludge and petroleum contaminated soil) which does not violate the following:

Dated this _____ day of March, 1990.

Larry J. Wilson, Director

Mr. Stokes explained the rules and commented that application of saturated soils would require a permit which is addressed under 121.3(2)(c).

Gary Priebe asked if the owner of the property where application takes place is responsible to maintain records on same.

Mr. Stokes explained that the responsible person for recordkeeping would be the owner of the site where the contaminated soil originated.

Motion was made by Richard Hartsuck to approve Notice of Intended Action--Chapter 121, Land Application of Petroleum Contaminated Soils. Seconded by Clark Yeager. Motion carried unanimously.

PROPOSED RULE--CHAPTER 121, LAND APPLICATION OF WASTE - SEWAGE SLUDGE AND INDUSTRIAL SLUDGES

An analysis of Chapter 121 has been done to compare the conditions for land disposal of municipal sewage sludge to the conditions required for disposal of other solid waste. The existing rule allows land disposal of solid waste without a permit if certain conditions are met. There are significant differences between the loading rates, the separation distances, and the pollutants regulated for the disposal of municipal sludges and other wastes on land.

A side by side comparison of the requirements for municipal sewage sludge and other solid waste and recommended changes will be presented to the Commission. This analysis will be for information. It is possible that the analysis will be the basis for future rule changes.

(Comparison is shown on the following 6 pages)

Municipal Sludge

121.3(1) *Municipal sewage sludge.* Municipal sewage sludge from a publicly owned treatment works may be applied to land without a permit if the land application does not violate the following:

1. **Application Rate**

(1) The maximum sludge application rate shall not exceed two (2) tons per acre per year, measured on a dry weight basis. The maximum sludge application rate shall be reduced if soil tests indicate to the director that a two (2) tons per acre per year rate would provide nutrient levels significantly in excess of crop nutrient requirements or would provide heavy metals concentrations in the soil at levels which may be detrimental to crop production or hazardous to human health.

2. **Nitrogen, Phosphorus and Potassium Loading**

Total Nitrogen (N total)	10.%
Total phosphorus (P total)	6.9%
Total potassium (K total)	0.9%

3. **Salts**

No Limit.

4. **Chemical Concentrations Limits**

Arsenic (As)	50 mg/kg
Cadmium (Cd)	15 mg/kg
Chromium (Cr)	1,000 mg/kg
Copper (Cu)	1,000 mg/kg
Lead (Pb)	1,000 mg/kg
Mercury (Hg)	10 mg/kg
Nickel (Ni)	200 mg/kg
Zinc (Zn)	2,000 mg/kg

If the publicly owned treatment works has other toxic constituents in its sludge, the sludge shall not contain any other toxic constituents in excess of levels where there is a threat to human, animal or plant life as determined by the director.

Other Solid Waste

121.3(2) *Other solid wastes.* No permit is required for the land application of any solid waste (other than municipal sewage sludge) which does not violate the following:

Twenty (20) tons per acre/year dry weight.

c. Macro-nutrients.
(1) The application of nitrogen available from the waste and any other sources does not exceed the nitrogen needs of the vegetation to be grown on the site over the next year, and
(2) The total application of phosphorus and potassium does not exceed the acceptable agronomic application rates for the site and crops involved.

The waste does not have a sodium absorption ratio greater than 12 or a soil management program has been implemented to control sodium buildup in the soil.

Chlorides (C) 8,400. mg/kg

Constituents	Levels
Arsenic (As)	50 mg/kg
Barium (Ba)	340 mg/kg
Cadmium (Cd)	8 mg/kg
Chromium (Cr)	1,000 mg/kg
Copper (Cu)	200 mg/kg
Cyanides	0.7 mg/kg
Fluorides (F)	680 mg/kg
Lead (Pb)	800 mg/kg
Mercury (Hg)	10 mg/kg
Nickel (Ni)	200 mg/kg
Phenols	3.4 mg/kg
Selenium (Se)	3.4 mg/kg
Silver (Ag)	1.7 mg/kg
Zinc (Zn)	400 mg/kg

Recommendation

Combine these sections.

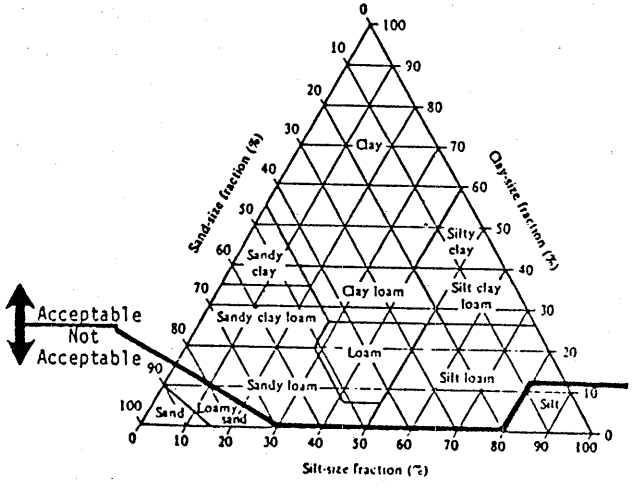
Two tons per acre per year.

Limit to crop uptake level.

Limit waste to a sodium absorption ratio of 12 or less.

Combine the list and use the most restrictive limit.

Municipal Sludge	Other Solid Waste	Recommendation
5. **Pathogens** Sludge shall be stabilized before application to land.	(1) The waste does not contain bodily discharges from human beings unless the waste has been stabilized before application to land, and (2) The waste does not originate from a process using or producing pathogenic organisms capable of causing a pathogenic condition in humans.	Require that the waste be treated to reduce pathogen content prior to application
6. **pH**	*b. pH Modifying factors* (1) The waste does not have pH greater than 7.5 or less than 6.0, or (2) The waste is applied at a rate which results in a soil pH between 6.0 and 7.5 and which adjusts the soil pH towards a range of 6.5 to 7.0 using standard soil analysis methods.	Require the soil pH to be maintained between 6.0 and 7.5.
7. **Soil Type** (2) The sludge shall be applied only to soils classified as acceptable throughout the top five (5) feet of soil profile. The acceptability of a soil shall be determined using the following chart based on U.S.D.A. soil classifications.	No Limitation.	Use the municipal sludge criteria.



U.S.D.A. textural classification chart. Sand-size particles. 2-0.05 mm; silt-size particles, 0.05-0.002 mm; and clay-size particles, less than 0.002 mm.

	Municipal Sludge	Other Solid Waste	Recommendation
8.	**Sludge Incorporation** The department recommends that all sludge be injected on the contour or applied to the surface and mechanically incorporated into the soil as soon as possible but not later than forty-eight (48) hours after application. If sludge is applied to land on which the soil loss exceeds the soil loss limits established by the county soil conservation district, the sludge shall be injected on the contour or shall be applied to the surface and mechanically incorporated into soil within forty-eight (48) hours of application. If sludge is applied to land subject to flooding more frequently than once in ten (10) years, the sludge shall be injected or shall be applied to the surface and mechanically incorporated into the soil within forty-eight (48) hours of application. Information on which land is subject to flooding more frequently than once in ten (10) years is available from the department. If possible, sludge application on frozen or snow covered ground should be avoided. If application on frozen or snow covered ground is necessary, it shall be limited to land areas of less than five percent (5%) slope. If sludge is applied within 200 feet of a stream, lake, pond, sinkhole or tile line surface intake located down gradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within forty-eight (48) hours of application. If sludge is applied to land where the crops being grown will be grazed by or fed to livestock within two (2) months of sludge application, or where cereal grains will be harvested within two (2) months of sludge application, the sludge shall be injected or shall be applied to the surface and mechanically incorporated into the soil.	The waste shall be incorporated into the site soils within forty-eight (48) hours of application whenever land applied within one hundred (100) feet of an occupied residence or within fifty (50) feet of a stream, lake, pond, sinkhole or tile line surface intake located down gradient from the land application site.	Require Sludge incorporation within 48 hours.

Municipal Sludge	Other Solid Waste	Recommendation
9. Separation Distance Sludge shall not be applied within 200 feet of an occupied residence nor within 500 feet of a well.	The waste shall not be disposed of within fifty (50) feet of a well which is being used or could be used without major renovation for human or livestock consumption.	Use municipal sludge separation requirements.
10. Operating Requirements Operating requirements. A publicly owned treatment works which intends to dispose of its sludge by land application shall: ■ Analyze the sources of waste water influent to the treatment plant to determine if any industrial waste water sources exist which may contribute significant quantities if potentially hazardous chemicals or other toxic substances to the treatment plant. If any are found, the municipality shall inform the department of their presence and shall analyze the sludge for chemicals or substances in accordance with guidelines provided by the department. ■ Sample and analyze the sludge to determine whether it meets the criteria in 121.3(1)"a" and "b" in addition to any limits set by the department under 121.3(1)"a." The collection and preservation of samples shall be done in a manner and frequency approved by the director and intended to assure that the sampling results are representative of the sludge being disposed. Analyses shall be performed at a laboratory approved by the university hygienic laboratory. All analyses shall be performed in accordance with the methods described in "Methods for Chemical Analysis of Water and Wastes." 1974 (US-EPA) for "Standard Methods for the Examination of Water and Waste Water," 15th Edition, 1981. Alternate methods may be substituted only if acceptable to the university hygienic laboratory and approved by the director. Establish and maintain in writing a long range program for land application of its sludge. This program shall be developed for a minimum period of five (5) years and shall be updated annually. A copy of this program shall be available at the treatment facility or city hall for inspection by the department. As a minimum, this program shall contain the following information in detail for the next calendar year and in general terms for the following four (4) years.	*Recordkeeping requirements.* The waste generator shall maintain adequate records to document compliance with this rule for a period of not less than five (5) years following last use of the site for waste disposal. These records shall be available at the generating plant for inspection and evaluation by the department at any time during normal working hours. *Notification.* Before opening a disposal site the department shall be notified in writing of the location of the disposal operation. This notice shall also contain the legal description of the site, the landowner, the responsible official, the quantities and type of waste (including chemical analyses which the director may require to adequately define the waste). Operators of sites in existence on the effective date of these rules shall have six (6) months to complete this notification.	Use municipal requirements

Municipal Sludge	Other Solid Waste	Recommendation
An outline of the sludge sampling schedule and procedures which will be followed to assure that the sludge being applied to land continues to meet the criteria in 121.3(1)"a" and "b."		
A determination of the amount of land required to allow disposal to be conducted in accordance with the requirements of 121.3(1)"c"(1).		
An identification of the land and sludge application methods which will be used to dispose of the sludge. Those areas and application methods shall be selected as necessary to assure that land application can be conducted in accordance with the land application criteria in 121.3(1"b" and "c."		
The names of the owners and operators of all land to be used for sludge disposal, and identification of any legal arrangements made relatively to use of these areas. The program should also outline any restrictions or special conditions which exist regarding use of these areas for sludge disposal.		
An overall schedule for the disposal of the sludge. This schedule should indicate the areas being used, the time of year that disposal on each area will be conducted, and the proposed application rates for each area.		
A determination of the types and capacities of the equipment required to dispose of the sludge in accordance with the developed disposal schedule. The program shall also outline how the required disposal equipment will be made available and who will be responsible for conducting land disposal operations, and		
A determination of the volumes and types of storage and handling facilities required to allow sludge disposal to be conducted in accordance with the sludge disposal schedule. The program shall also outline how any required additional sludge storage or handling facilities will be provided.		
Take necessary actions to construct or obtain any additional sludge storage, handling or disposal facilities or equipment which are required by the sludge disposal program.		
Conduct its sludge disposal operations in accordance with the developed program and with 101.3(2_, 121.3(1)"b" and "c." If sludge is being supplied to other persons for land application, the publicly owned treatment works shall inform them of the applicable requirements of the sludge disposal program and 121.3(1)"b" and "c."		

Municipal Sludge	Other Solid Waste	Recommendation
If the publicly owned treatment works determines that a person being supplied sludge for land application is not complying with applicable requirements of the sludge disposal program or the land application criteria, the publicly owned treatment works shall attempt to work with them to obtain compliance with the requirements. If subsequent compliance cannot be achieved, the publicly owned treatment works shall not supply additional sludge to the person. Inform all persons involved in sludge disposal operations of the potential health hazards associated with sludge disposal, including informing them of the cautions and recommended practices which should be followed to minimize these hazards. Maintain records of sample analysis and sludge disposal operations.		
11. Other Requirements If sludge is applied to land subject to use by the general public (e.g., golf courses, parks), public access to the sludge application site shall be restricted for a period of two (2) months after sludge application. In no case shall sludge be applied to areas where direct body contact with the soil is likely (e.g., school yards, playground areas, picnic areas). Sludge shall not be applied to land for the commercial production of human consumption food crops.	*Metals and Miscellaneous Contaminants.* The waste does not contain a waste having direct process stream contact with the following listed organics: Petroleum products, organic solvents, pesticides, pharmaceuticals, polychlorinated biphenyls (PBs), The waste does not originate from a process which may release the compounds listed in (1). The waste does not originate from metals cleaning, finishing, working or lubricating operations, and *Assimilation capabilities.* The waste is not readily present in a visual analysis of a random sample collected two (2) years following application. *General public health or nuisance aspects.* The waste is not putrescible, or is incorporated (or otherwise managed) to prevent runoff and odor problems. The waste does not contain volatile constituents in such quantities that nuisance conditions may be produced.	Maintain these requirements.

Mr. Stokes distributed a document showing differences in land application rates for municipal and industrial sludge, requirements and permits needed for land application, and recommendations on how to deal with these differences. He stated that the net result of the recommendations would possibly be some increased requirements on municipal sludges because a broader range of analytical parameters would be addressed. There would also be more strict requirements on industrial sludges in terms of requirements for greater separation distance, more rigorous sludge management planning environment in which they would have to operate, and tighter limitations in some areas on the amount and types of waste that could be land applied, based on soil conditions.

Mr. Stokes stated that this item will be brought before the Commission as a Notice of Intended Action next month.

William Ehm asked if "other solid waste" means only industrial sludge from lagoons.

Mr. Stokes explained that it would mean anything not defined as a municipal sewage sludge. He added that animal wastes are addressed under another chapter.

William Ehm asked if municipalities have a problem getting rid of their sludge.

Mr. Stokes responded that it depends on the municipality and the type of job they do, along with good public education and marketing.

The Commission asked staff to prepare an item regarding municipal sludge application for next month's meeting.

APPOINTMENT - JIM GUSTAFSON (sludge disposal - Storm Lake area)

Jim Gustafson, farmer and County Supervisor for Buena Vista County, circulated letters of concern from the County Conservation Board, the County Health Board and the Board of Supervisors. He stated that in regards to community support, the Leopold Center did a study on the watershed and sources of pollution of Storm Lake. Also, farmers worked with ASCS committee to get some CRP acres along inlet creeks to the lake.

Mr. Gustafson inquired about availability of grants for sludge/compost mixing type projects.

Director Wilson suggested that Mr. Gustafson speak with Teresa Hay, Waste Management Authority Division Administrator, in regards to possible grants.

Mr. Gustafson presented the following written statement:

"To the members of the Environmental Protection Commission:

The concerned citizens of the Lakeside area would like to make a request that an immediate moratorium be inacted on the proposed disposal of sludge from IBP lagoons this year on the 280 acres bordering Lakeside, Iowa, until which time new proposals or regulations can be considered.

We request this because of the unusually fragile nature of this land and circumstances as follows:

1. Only (1) to (1 1/2) foot of top soil followed by highly permeable sand - reaching pure sand by 5 feet.
2. Water table on normal years at 5 to 8 feet.
3. Shallow 50 foot private household wells 50 feet from disposal location on two sides.
4. 1600 feet from the shores of Storm Lake.
5. High 40 foot ridge through property sloping toward private wells and shores of Storm Lake.
6. Disposal site borders the length of Lakeside, a town of 710 people.
7. Nitorgen overload of 120 lb. at proposed application rate which because of soil content and high water table will be quickly lost to the groundwater."

APPOINTMENT - KARLTON FULLENWORTH(sludge disposal - Storm Lake)

Karlton Fullenworth, Storm Lake farmer, addressed the Commission stating that he would like to provide them with additional information to the booklet he presented the previous month. He distributed a topographical map of the area and a copy of a letter to Barb Lynch of the DNR.

Mr. Fullenworth presented the following written statement:

"Lakeside and Storm Lake Area Information

TOPOGRAPHICAL MAP:

The orange outlined area is the IBP farm for sludge dumping. The blue line is Outlet Creek from Storm Lake. Each line on the map indicates at 10-foot change in elevation.

IBP COVER LETTER:

This is the letter to Barbara Lynch (DNR Spencer). This is the IBP cover letter for the 1988 sludge analysis sheet that you have in your booklet. As you can see from the letter, IBP admits that

phenol and Zinc are the limiting factors at the 6 dry tons per acre rate. Phenol is carbolic acid used as an antiseptic. Phenol is a strong, corrosive poison.

PETITIONS:

We have petitions with well over 1000 signatures (over 1/10th of the Storm Lake area population) supporting our position and concerns.

GROUNDWATER LEVEL:

I dug a post hole, at the spot indicated on the picture in your booklet, on April 10, 1990. I struck the watertable at 13 feet, 2 inches deep. There was sand, like the sand in the samples that we brought to you last time, all the away down to the bottom of the hole, 14 feet deep. During normal rainfall years, the watertable is much higher, sometimes within 3 feet of the soil surface."

Chairperson Mohr thanked Mr. Gustafson and Mr. Fullenworth for bringing this information to the Commission.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Clear Lake Sanitary District - wastewater
Cerro Gordo County Area Landfill Agency - solid waste
City of Osceola - wastewater
The Jimmy Dean Meat Company, Inc. (Osceola) - wastewater
Miller Products Company (Osceola) - wastewater
Harris Jorgenson (Butler County) - air quality
Mercy Hospital Medical Center (Des Moines) - solid waste
Don Ervin (Fort Dodge) - penalty collection
R.J. Kool Co. (Cedar Rapids) - penalty collection
~~The commission is asked to approve a notice of intended action at this time.~~

Don Ervin

Mike Murphy stated that this referral is to collect $1,000 penalty. He stated there was a hearing officers decision on this case in January, and the Commission was allowed to review it. The decision and Administrative Order became final on February 4, 1990 and it was not appealed. Mr. Murphy added that on February 14, he and Allan Stokes met with Mr. Ervin and entered into another consent order which gave him (Ervin) expanded opportunity to operate his facility. The consent order acknowledged that the remainder of the initial Administrative Order (including penalty) stood.

APPOINTMENT - DON ERVIN

Don Ervin, owner of Midwest Tire Disposal, addressed the Commission stating that four years ago he started doing research on scrap rubber and tires, and in June, 1989 he asked DNR for guidelines on this. He related that DNR advised a permit was needed for his operation and they included a number of regulations. Mr. Ervin stated that when he first began his business, he called DNR and an individual told him there was a reasonable amount of time one could stockpile tires, so he went ahead and went into business. He noted that in August, 1988 he purchased the plant site where the business is now located. In February 1989, a letter from DNR told him he could no longer stockpile tires for more than 60 days and he would have to start shredding. Mr. Ervin explained that he filled out an application for a permit to shred and took it to MER Engineering, and the engineer at MER indicated that he was exempt from the rules as his business would be the same as an auto salvage yard. He added that in October, 1989 he received orders to shut down, and he closed until the hearing was held in November. Mr. Ervin stated that he would not show anyone at the hearing what his plans were as it was classified material on which he had spent thousands of dollars. In January, he shut down again, and then met with legislators and Larry Wilson. He explained efforts made to get an approved engineering plan, a comprehensive plan, and cost/profit estimates for the next 20 years. Mr. Ervin stated that he cannot operate until he receives a permit from DNR, and because of lost revenues he is now down $162,000. He added that he does not mind paying the $1,000 fine, but would like some time to financially get back on his feet. Mr. Ervin noted that, today, he gave staff his 20 year cost/profit plan and hopes it will meet the department's approval so he can get back in business.

APPOINTMENT - JOHN SCIEGZINSKI (Don Ervin referral)

John Sciegzinski, Attorney for Don Ervin, stated that he and Mr. Ervin came down to DNR and talked to staff to find out what permits were needed to run Mr. Ervin's business. He added that they could not find out what permits were needed, only that he needed a permit. Mr. Sciegzinski related that Mr. Ervin's accountant and local counsel were going to review the application and try to submit it. He stated that the hearing officer directed the department to assist in getting the permit as quickly as possible. He noted that he was shocked when Mr. Ervin told him a few weeks ago that he still did not have the permit.

Mr. Murphy commented that he was not aware of their specific problems in getting a permit at this time, and that they have been told they need a sanitary disposal project permit for handling solid waste. The type of permit they receive depends on the type of information provided to the the department as to what they want to do. Mr. Murphy noted that a consent order was signed and staff allowed several extra months in that order to give Mr. Ervin more room to operate while he was trying to get his permit.

Teresa Hay stated that, today, she received further information for the Comprehensive Plan, Part I. She related that staff has reviewed the information and it does meet the requirements, therefore the comprehensive plan will be approved.

Discussion followed.

Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

Clear Lake Sanitary District

Mr. Murphy stated that referral is sought in this case for enforcement of an Administrative Order issued in December, 1988. This involves a plan of action for upgrading wastewater facilities, the main problem being excess water getting into their sewer systems. The identified sewer corrections were to be implemented by October, 1989, with evaluation of its effect and a report to be submitted by October, 1990. Mr. Murphy stated that they did not complete all of the necessary work, the main problem being the City of Ventura, and that violates the Administrative Order.

APPOINTMENT - AMIL HERKER (Clear Lake Sanitary District)

Amil Herker, Clear Lake Sanitary District, read the following outline:

"This is an outline of points to be covered before the Commission:

1. That the Sanitary District has applied in full with the Administrative Order in every respect and to the best of its ability, EXCEPT for the question raised by DNR before the Commission regarding the City of Ventura and its failure to implement and complete I/I work.

2. That the District has notified the City of Ventura as early as 1984 of the need to make necessary repairs to the manholes and review sump pumps.

3. That the District has contacted the City of Ventura through its attorney and also contacted the State Senator and State Representative for the City of Ventura requesting that Ventura take immediate action on the problem.

4. That Ventura has made corrections in their system and the remaining corrections are limited to approximately 40 manholes and sump pump examinations.

5. The City of Ventura, through their attorney, in telephone confernce with the attorney for the Sanitary District, indicate that they will provide us with a written schedule for repairs by next month, but that they have no funds in their budget earmarked for sanitary sewer repair.

6. That the District has taken all steps available to it to insure that Ventura comply with the Administrative Order; however, the District does not have jurisdiction to make or enforce repairs on property owned by the City of Ventura.

SUMMARY:

That the District is not in willful non-compliance with the Administrative Order and in fact has taken every step necessary to comply with all regulations and requests of the Department of Natural Resources. The District is prepared to provide the engineering study as required by October, 1990 and has a letter of intent from the engineering firm regarding their readiness to complete the study. We feel their is no cause of action that would require the Commission to refer this matter for legal action, but rather the DNR or the Commission should refer their action to the City of Ventura to require compliance with the Administrative Order."

Discussion followed regarding the possibility that any financial liability arising from the court action could be passed on, through the District, to the City of Ventura.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

Cerro Gordo County Area Landfill

Mr. Murphy stated that staff is asking referral for enforcement of an Administrative Order issued in June, 1989, regarding operational violations at the landfill. He added that inspections in December, 1989 and February, 1990 daily noted daily operational deficiencies including cover requirements and litter problems. Referral is sought for court injunction and collection of civil penalty.

APPOINTMENT - JOHN ERICKSON (Cerro Gordo Co. Area Landfill)

John Erickson, Director - Cerro Gordo County Area Solid Waste Agency, distributed data sheets with information/statistics on the agency. He referred the Commission to page 3, showing the fees paid ($144,653) to DNR since the landfill began operation. He stated that in January, 1990 the agency took bids and ordered a compactor and it was not delivered until last Thursday. Mr. Erickson related that the dozer may have been part of the problem. He explained that the landfill is exposed to high winds and there were several days they had to close in January and February because of the high winds. He noted that this adds to the litter problem and related that they have hired extra help as well as using Boy Scouts to help pick up the litter. Mr. Erickson pointed out that they have invested $107,000 in costs for comprehensive planning and installation of four new wells. He stated that the agency represents 18 cities. In conclusion, Mr. Erickson stated that they are trying very hard to rectify the situation.

APPOINTMENT - GUS ERICKSON (Cerro Gordo Co. Area Landfill)

Gus Erickson, Vice-Chairman, Cerro Gordo County Solid Waste Agency, addressed the Commission asking that they give the agency a little room to work. He related that when inspectors come out, it is always on a windy day or immediately following a rainy day.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

PUBLIC PARTICIPATION

Chairperson Mohr announced public participation at 2:30 p.m.; no one requested to speak.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Harris Jorgenson

Mr. Murphy stated that this case involves Mr. Jorgenson's use of a grain roaster to roast Captan treated corn, which violates an Administrative Order previously issued. He noted that Mr. Jorgenson's brother, Jerry, was referred a couple of years ago and he recently signed a consent decree. Mr. Murphy stated that Harris said he would agree to the same deal his brother received, and staff feels that is an appropriate resolution to this matter. The agreement was that Mr. Jorgensen will not roast Captan treated grain unless he obtains a permit to do so. To continue roasting would require an air quality permit and stack testing, or he may install acceptable pollution control equipment. The agreement also requires that he pay a $1,000 penalty.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

Mercy Hospital

Mr. Murphy distributed copies of a letter from Robert Galbraith, Attorney for Mercy Hospital, stating the relevant facts in the matter as Mercy believes them to be, and outlining the steps taken by Mercy to prevent a like occurrence from happening. Mr. Murphy stated this case involves incidents on February 19 and March 5 of this year, in which medical waste was delivered to the Des Moines Metro Landfill. He related that these incidents violate a prior Administrative Order prohibiting disposal of medical waste without a special waste authorization. He noted that some changes in Mercy's contingency plan for handling medical wastes were not made known to the department, and the Order did require them to comply with the approved plan. Mr. Murphy stated that there were some factual discrepancies as far as what was observable in the waste that went to the landfill, but since some medical waste did get into the two loads during

the period that Mercy's incinerator was shut down, it does constitute a violation of the Administrative Order and rules.

Motion was made by Richard Hartsuck for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

R.J. Kool Company

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

PROPOSED RULE--CHAPTER 61, WATER BODY CLASSIFICATIIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The recently adopted numerical and narrative criteria of the water quality standards include new aquatic use protection designations for Iowa's various waterbodies. It is anticipated that approximately three years of field activities will be required to properly determine and assign the appropriate use designations to all the individual streams, lakes and wetlands that require a use designation other than general. The determination and adoption of use designations are required prior to implementation of the amended water quality standards in establishing individual effluent limits for treatment facilities. The first group of waterbodies that have been evaluated and assigned a use designation will be handed out at the meeting. Included are:

* Current B(W) segments that have a flow large enough to support B(WW); Significant Resource warm water species.

* All current Lakes and Wetlands designations remained the same with the exception of changing the B(W) designation to a B(LW); Lakes and Wetlands aquatic life designation.

* All B(C) designations remain the same with the label changing to B(CW).

* All HQ, HQR, and C designations have remained the same.

Additional waterbodies will be presented for rule making periodically in batches as evaluations are completed. First priority for further evaluations will be given to the waterbodies that receive discharges from major treatment facilities.

4/13/90 RT

ENVIRONMENTAL PROTECTION COMMISSION
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.173, the Environmental Protection Commissions for the Department of Natural Resources gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards".

The recent revisions which amended the numerical and narrative criteria of the water quality standards effective May 23, 1990, included new aquatic use protection designations for Iowa's various water bodies. It is anticipated that approximately three years of field activities will be required to properly determine and assign the appropriate use designations to all individual rivers, streams and lakes. The determination and adoption of use designations are required prior to implementation of the amended water quality standards in establishing individual effluent limits for wastewater treatment facilities. This Notice of Intended Action lists the first group of waters for which the new use designations are warranted.

This list of rivers, streams, and lakes represent the water bodies which are: 1) important sport fisheries warranting protection under the Significant Resource warmwater (Class "B(ww)") use designation, 2) important trout waters warranting continued protection under the Cold water aquatic life (Class "B(cw)") use designation, 3) important lakes and wetlands warranting protection under the Lakes and Wetlands (Class "B(lw)") use designation, 4) important locations where existing primary contact reaeration is occurring (Class "A" use designation), and 5) the Class C (drinking water supplies), High Quality and High Quality Resource designations as noted in the past water quality standards. In addition, two streams (Cedar Cr. - Wapello Co. and West Fork Crooked Cr. - Washington Co.) received urgent review of their appropriate use designation due to wastewater treatment facility planning activities. The specific use designations are noted in subrule 61.3(5)"e".

Within the subrule 61.3(5), two modifications are being proposed. Item 1 will replace the past terms with the new use designations for Significant Resource, Limited Resource, and Lakes/Wetlands. Item 2 will list the specific stream segments for which new use designations are being proposed. Item 2 does not list all of the stream segments in the state, but only the segments recommended for modifications at this time.

Any interested person may submit written suggestions or comments on the proposed rule changes through _____, 1990. Such written materials should be directed to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building,

900 East Grand, Des Moines, Iowa 50319-0034, of FAX # 515-281-8895. Persons who have questions may contact Ralph Turkle at (515)281-7025. Persons are also invited to present oral or written comments at public hearings which will be held on July __, 1990 at 1:00pm in the auditorium of the Wallace State Office Building, 900 East Grand, Des Moines, Iowa and at 7:00pm on July __, 1990 in the Iowa Guard Armory, Hwy 1 and 92, Washington, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Rescind subrule 61.3(5)"a"(2) and insert the following in lieu thereof:

61.3(5)"a"(2) "B" means wildlife, aquatic life, and secondary body contact uses. "WW" means significant resource warm water, "LR" means limited resource warm water, "LW" means lakes and wetlands warm water, "CW" means cold water.

ITEM 2. Rescind subrule 61.3(5)"e" and insert the following in lieu thereof:

Mr. Stokes distributed copies of the proposed rule along with lists of water use designations for various streams in Iowa. He gave a detailed explanation of the proposed rules. He pointed out that there are two stream stretches, previsously classified as general class streams, that would be elevated to the B(LR) class. All other streams on the first list of tables would have the same classification they now have under existing water quality standards. The list entitled "Remaining B(W) Segments Awaiting a New Use Designation " contains stretches that under current rules would be listed for B(WW) protection, and under the new proposals would not now be designated because they are stretches that may eventually, through rulemaking, be designated as B(LR).

Chairperson Mohr asked if the waters coming in from Minnesota would be designated differently than Iowa waters.

Mr. Stokes stated that there may be differences as each state sets their own classifications based on the stream use within its borders.

Gary Priebe expressed concerns about the possibility of Minnesota waters with less stringent classification entering Iowa's more restrictive waters.

Mr. Stokes stated that staff may have to work out some rehabilitative program with a neighboring state if this type of problem should occur.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Miller Products Company

Mr. Murphy stated that this is a metal finising company subject to federal and state guidelines for pretreatment of their wastes, and they have a formal pretreatment agreement with the city of Osceola. There has been ongoing problems with the company meeting their limits and an Administrative Order was previously issued. That matter was appealed and, through negotiation, was amended. The settlement indicated that if further discharge problems occurred another $500 penalty would be paid. Mr. Murphy noted that there were further discharge problems and in May, 1989 the additional penalty was paid. Since then there have been further problems with the zinc discharges from Miller Products Company. He related that there apparently are wastes escaping the plant through other means than their pretreatment system, as samples in a manhole outside the industry showed significant metals loadings. The major impact is that it is contaminating the City of Osceola's sludge and, as a result, the city has to

obtain a high rate sludge application permit which limits their ability to dispose of their sludge. Mr. Murphy stated that referral is being sought for injunctive relief and collection of a civil penalty.

APPOINTMENT - JACK MCFARLAND (Miller Products Company)

Jack McFarland, Vice-President - Miller Products Company, stated that after they were made aware of their problem they did some extensive research on pretreatment systems to correct the problem. He added that a firm was hired to solve the problem and new pretreatment equipment was installed, but the problem continued to exist. That equipment was then removed and another firm was hired to install an even bigger system which is currently working as it should. Mr. McFarland stated that they have made every effort to comply with the regulations.

Gary Priebe asked if all regulations have been met since the new system was installed.

Mr. McFarland responded that all the initial sampling and testing that they do locally has shown that the system is in compliance.

Clark Yeager asked if the city has levied any fines against the company.

Mr. McFarland responded that the city has not levied a fine against them and they have been most cooperative in assisting the company.

Gary Priebe commented that he thought the department always takes it into consideration when a company makes great efforts to correct a situation.

Chairperson Mohr asked if that consideration would be included in a letter to the Attorney General.

Mr. Murphy stated that the department has been dealing with this problem for years and he does not know if the new system is going to work. He added that sampling shows the limits are being met at the pretreatment system, yet problems are still found outside the plant.

Mr. McFarland explained that the company has sealed off the metal finishing department and captured everything in the room, in a pit, so that any spillage, leakage, or overflow situation that would not normally have gone through the standard process is now being captured and routed into the new system. He related that there is nothing that can go through the metal finishing department into the sewage system without going through the pretreatment system.

Mr. Murphy stated that may now solve the problem, but the company also had certified in December, 1988, that all sources were going through pretreatment at that time. He added that their efforts and the fact that they are now in compliance will be taken into consideration.

Nancylee Siebenmann stated that, given the circumstances, she would like to see this case deferred for 60 days.

Gary Priebe stated that he has a problem with the dollar figure on the penalty if the company has made a concerted effort to correct the problem. He added that he does not have any problem referring this case, but he would like to see action delayed for 90 days to see if the company is now going to meet the standards. He related that to impose the suggested fine before the department can see what the company's efforts have accomplished would be a mistake.

Motion was made by Gary Priebe for referral to the Attorney General's Office with the stipulation that action be withheld for 90 days to see if the company stays in compliance, and at the end of 90 days their performance be taken into account as to the negotiations for final settlement. Seconded by William Ehm. Motion carried unanimously.

Jimmy Dean Meat Company

Mr. Murhpy stated that this case involves an industry whose wastewater discharge is organic waste and is subject to a treatment agreement with the city. Their agreement has been renegotiated in recent years to allow increased loadings. He added that in the last 11 months the discharges are regularly increasing, exceeding not only the treatment agreement but, at times, the total design capacity of the city's system. These violations have had the impact of causing the city to exceed its discharge limitations also. Mr. Murphy mentioned that the company has ordered additional pretreatment equipment and made some maintenance changes in hopes of correcting the problem. He stated that referral is being sought for an injunction and collection of appropriate civil penalty.

APPOINTMENT - FRANK HOWELL (Jimmy Dean Meat Company)

Frank Howell, Products Manager at Jimmy Dean Meat Company, addressed the Commission stating that the company is working hard to comply with the city of Osceola. He noted that they are working to educate their people in the manufacturing process. Also, they are spending a good deal of money to add new pretreatment equipment. He related that they are working with an outside consulting service on their pretreatment process.

Discussion followed.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

City of Osceola

Mr. Murphy stated that the City of Osceola upgraded their wastewater facility in 1988 but continues to violate its discharge limitations, the primary problem being overloading by its industries. The city is responsible for operating the system and to insure that the industries contributing to it are in line. Mr. Murphy stated that referral is being sought for injunctive relief and collection of civil penalties.

APPOINTMENT - JIM MC ELVOGUE (City of Osceola)

Jim McElvogue, Wastewater Superintendent - City of Osceola, distributed a hand-out listing a chronology of meetings, correspondence, and actions taken in regards to their pretreatment process. He stated that the city realizes they have had some problems with some industries and they made a change in management last spring. He noted that there have been ongoing discussions with Jimmy Dean Meat Company to solve problems with their waste stream. Mr. McElvogue related that he received a letter from Jimmy Dean Company on March 26, 1990 outlining their long term pretreatment. The city imposed excess special charges on Jimmy Dean Company so that when they violate their treatment agreement they will pay the cost of treating that waste. He commented that the city has to be concerned about its relationship with the company, as the company provides jobs for 500 residents. He noted that if the Jimmy Dean Company abides by their treatment agreement, the city should not have any violations in the future.

Discussion followed regarding cities' authority to assess a surcharge or administrative type penalties in these situations.

Mike Earley asked if the City of Osceola has a surcharge arrangement with the Jimmy Dean Company.

Mr. McElvogue replied that there is no formal surcharge arrangement, but the company has been notified that they will be billed for the excesses in March. He added that those charges total about $3,000.

Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--DANNIE R. HOOVER AND BILL EDWARDS

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On February 20, 1989, the department issued Flood Plain Development Permit No. FP89-33 to Lynn Miller of Wayland, Iowa. That action was appealed by neighboring landowner Dannie Hoover and his lessee, Bill Edwards, and the matter proceeded to administrative hearing on January 26, 1990. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on April 11, 1990. The decision reverses the department's action.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission. The department intends to appeal the decision.

Mr. Murphy briefed the Commission on the history of this case. He related that staff will appeal this decision and it will be brought back to the Commission in the future.

The Commission took no action on this item.

APPEAL OF CONTESTED CASE DECISION--CRAIG NATVIG

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On September 21, 1989, the department issued Administrative Order No. 89-SW-21 to Craig Natvig. That action directed Mr. Natvig to cease the accumulation, storage, and shredding of waste tires on his property until he obtained a permit to do so, to properly dispose of the accumulated tires, and to pay a $1000 penalty. That action was appealed and the matter proceeded to administrative hearing on January 26, 1990. The hearing officer issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 7, 1990. The decision affirms the department's Order, with the exception of reducing the penalty to $750.

Mr. Natvig has appealed this order to the Commission. The Proposed Decision and the Administrative Order are enclosed. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it,

substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy briefed the Commission on the history of this case. He distributed copies of a letter from Mr. Natvig to Vic Kennedy stating his position in this case and asking the Commission to set aside the verdict rendered by Administrative Law Judge LaMarche.

Motion was made by Richard Hartsuck to uphold the hearing officers decision. Seconded by Nancylee Siebenmann. Motion carried unanimously.

LEGISLATION UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

(Legislative items are shown on the following 7 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION

LEGISLATIVE BILL SUMMARY*
April 7, 1990

REORGANIZATION OF DNR

Desire on the part of the legislature to separate the regulatory functions of the department from the non-regulatory functions. A restructuring of the EPC was part of this bill (SF 2084).

STATUS: Both Houses could not come to an agreement; dead for 1990.

DNR APPROPRIATIONS

STATUS: Annual appropriations bill (SF 2364) passed by both Houses and signed by Governor. Appropriations are by division. Detailed listing of appropriations will be available for next month's meeting.

"CLEAN" - COMMITTING LOTTERY TO ENVIRONMENT, AGRICULTURE, AND NATURAL RESOURCES

Plan to commit approximately $40 million in annual lottery profits to the environment (SF 2153).

STATUS: In the final days of the legislative session, a version of this bill was passed by both Houses. The bill establishes 5 accounts - REAP/Natural Resources (62.5%), Environmental Protection (18%), Soil Conservation (6%), Energy Efficiency (8%), and Annual Appropriations Account (5.5%). Many programs are funded in this bill, including plugging abandoned wells, establishing household haz. collection centers, grants to cities and counties for solid waste reduction and recycling, program to reduce the toxicity in packaging, surface water quality assessement, air quality monitoring program, filter strip cost share program, reforestation, ethanol research, alternative fuels demonstrations, and an analysis of rural water systems.

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* "CLEAN" bill appropriations are annual appropriations for 10 years, with the exception of the activities funded by the Annual Appropriations Account.

Awaiting Governor's signature.

GENERAL PERMIT AUTHORITY

Authorize DNR to issue "general permits" for small, repetitive activities that currently require a permit (SF 2383).

STATUS: Passed the Senate; was not debated on House floor. Dead for 1990.

INERT INGREDIENTS

Requires disclosure of inert ingredients in registered pesticides to DALS, DNR, and CHEEC. Provides protection of trade secrets.

STATUS: Governor supported in Condition of State address. DNR negotiated with representatives of chemical company lobby to treat as trade secrets those inert ingredients contained in formulas with active ingredients registered by three or fewer companies (SF 2113). Passed by both Senate and House. Signed by Governor 4/3/90.

POLLUTION PREVENTION INITIATIVES

Authorization to initiate a program to assist businesses in designing and implementing efforts that will result in the reduction or prevention of pollution. (HF 2220; SF 2134)

STATUS: Governor recommended $300,000 to initiate program. General Assembly did not act on proposal.

ENERGY EFFICIENCY

Comprehensive energy efficiency plan for all sectors of Iowa's economy (SF 2403).

STATUS: Elements of the bill which passed the General Assembly (4/7/90) include: Utilities must file comprehensive energy management plans with the Utilities Board; utilities are to fund energy efficiency programs; several centers established for energy efficiency, alternative fuels demonstrations, global climate change. Awaiting Governor's signature.

HOUSEHOLD HAZARDOUS MATERIALS COLLECTION SYSTEM

Create routine collection programs with permanent regional collection sites. $500,000 per year for 3 years (HF 2225)

> STATUS: Governor recommended $300,000 for 5 years as a part of the Environmental Agenda Program. "CLEAN" program (SF 2153) appropriated approximately $1 million to this program; half this amount is for Toxic Cleanup Days, the other half for establishing permanent collection systems and local government education programs. "CLEAN" awaiting Governor's signature.

ABANDONED WELL PLUGGING FUNDS

Request to continue funding for this program at the level of $300,000 in addition to the amount allocated through the Groundwater Protection Fund - Agricultural Management Account.

> STATUS: Approximately $295,000 was appropriated for this purpose in the "CLEAN" program (SF 2153). Passed by both houses; awaiting Governor's signature.

MODEL FARMS DEMONSTRATION PROGRAM FUNDING

Continue funding at the FY 1990 level of the five sites established in late 1989 to evaluate and demonstrate the effects of agricultural practices on groundwater.

> STATUS: Governor recommended $600,000 as a part of the Oil Overcharge funded programs with the program to be administered by DNR. HF 2567, the Oil Overcharge appropriation bill, included $600,000 for the program, but gave administrative control to DALS. Bill passed General Assembly; awaiting Governor's signature.

OPEN DUMPING ENFORCEMENT

Desire to seek solution to problem of increased open dumping in roadside ditches as a result of increasing landfill fees.

STATUS: Due to unclear nature of proposal, the Department has not spent much time pushing this idea. Will need to clarify idea better before much legislative action.

SOLID WASTE DISPOSAL FACILITY SITING

Bill to provide local control over the siting process for solid waste disposal projects (HF 2534). Includes a one-year moritorium on issuing new permits for infectious waste incinerators.

STATUS: Differences between House and Senate worked out during last day of session. Issues were local control language, incinerator moratorium, and disposal of dead animals. Awaiting Governor's signature.

SOLID WASTE TONNAGE FEE LATE PENALTY

Change the late penalty from 15% to 2% per month (SF 2181).

STATUS: Bill passed General Assembly and was signed by the Governor on 3/27/90.

"CLEAN"- COMMITTING THE LOTTERY TO ENVIRONMENT, AGRICULTURE, AND NATURAL RESOURCES (SF 2153)

SUMMARY - April 16, 1990

** Legislation which commits lottery profits (approximately $40 million annually) to environmental and conservation programs.

Five accounts are established in the bill: REAP/Natural Resources, Environmental Protection, Soil Conservation, Energy Efficiency, and Annual Appropriations. All accounts are funded for 10 years. Programs in the Annual Appropriations Account will be subject to change each fiscal year.

REAP/NATURAL RESOURCES ACCOUNT (62.5%, max. $25 million)

Funds are to be allocated as they were established in the Resource Enhancement and Protection Act (REAP).

ENVIRONMENTAL PROTECTION ACCOUNT (18%; approx. $7.2 million)

Waste Volume Reduction and Recycling Fund (59.5%; ~$4.3 million)

(1) Half to be awarded to cities and counties for implementation of comprehensive solid waste management plans.

(2) Half to be used to carry out responsibilities of the waste reduction and recycling act (includes education, technical assistance, developing a program for waste minimization for Iowa industries, recycling programs, and administration).

Agricultural Management Account, Groundwater Protection Fund (4.1%; ~$300,000)

To provide financial assistance to plug abandoned wells.

Agricultural Management Account, Groundwater Protection Fund (3.5%; ~$250,000)

To Grants to Counties Program for rural water testing.

Department of Natural Resources (3.5%; ~$250,000)

To administer the state and local government waste management program.

Groundwater Protection Fund (14%; ~$1,000,000)

(1) Half to fund Toxic Cleanup Days around the state, including administration and assistance to local communities.
(2) Half to finance permanent HHM collection sites.

Environmental Protection Division (4.9%; ~350,000)
For air quality toxics monitoring, permitting, and inspection.

Environmental Protection Division (7%; ~$500,000)
For assessment and evaluation of surface water quality.

ISU - ISWRRI (2%; $145,000)
To continue research program re: subsurface water and nutrient management system (was in original lottery chapter).

Environmental Advertising Board (1.5%; ~100,000+)
To establish Board and promote environmental benefit of products.

SOIL CONSERVATION ACCOUNT (6%; approx. $2.4 million)
All funds to go to DALS for the following:

Soil Conservation Division (62.4%; ~$1.5 million)
For state soil and water conservation cost share program.

Soil Conservation Division (18.8%; ~$450,000)
For reforestation programs.

Water Protection Fund (18.8%; ~$450,000)
For filter strip cost share program.

ENERGY EFFICIENCY ACCOUNT (8%; approx. $3.2 million)

ISU - Ethanol Research and Technology Office (12%; ~$385,000)
To go through EGRD, to ISU for ethanol research.

Iowa Energy Center (14.1%; ~$450,000)
Established by the Energy Efficiency bill. For administration, transportation and energy efficiency studies and projects.

Iowa Energy Center (22.3%; ~$715,000)
For competitive grants to communities for low-income weatherization.

Iowa Energy Center (31.3%; ~$1 million)

For competitive grants program to communities to reduce energy consumption and increase energy efficiency (buildings and vehicles).

Department of Natural Resources (6.2%; ~$200,000)
For administration of energy programs.

Department of Ag. and Land Stewardship (14.1%; ~$450,000)
For on-farm alternative fuels demonstration projects.

ANNUAL APPROPRIATIONS ACCOUNT (5.5%; approx. $2.2 million)
The following programs are funded for fiscal year 1991 only.

$300,000 to CHEEC for research relating to health effects of water, air, and soil contamination, and for continuing SWRL.

$700,000 to DNR to complete the Three Mile Lake Reservoir.

$100,000 to DNR for restoration of Springbrook Lake.

$300,000 to DNR for a statewide analysis of rural water systems.

$150,000 to DALS to fund a program to preserve crop and native plant seed stocks.

$325,000 to the Center for Global and Environmental Research at U of I to study impact of global environmental change.

$100,000 to DNR for grants to construct swimming pools in towns with populations under 3,500.

$100,000 to Poweshiek Rural Water Association for pipeline work.

$25,000 to DNR for a pilot project on savings from computerize energy use.

Mr. Combs distributed copies of a Legislative Bill Summary covering bills of interest to the Commission. He expanded on the status of each bill at the end of the Legislature. Also distributed were copies of a summary of appropriations to the CLEAN bill.

This was an informational item; no action was required.

GENERAL DISCUSSION ITEMS

Chairperson Mohr notified the Commission that flowers were sent in the Commission's name for Governor Branstad's mother.

ADDRESS ITEMS FOR NEXT MEETING

None

NEXT MEETING DATES

May 21-22, 1990
June 18-19, 1990
July 16-17, 1990

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 4:40 p.m., Monday, April 16, 1990.

Nancylee Siebenmann

Nancylee Siebenmann, Secretary

Larry J. Wilson, Director